

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2749 of 2017

=====

Aditya Kumar, son of late Sudama Prasad, Resident of village- Bankat, P.O. Bankat, P.S. Bhagwanpur Hat, District- Siwan, at present posted and working as Block Teacher in Government Upgraded Middle School, Sonia, Block- Lahladpur, District- Saran

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The Director, Education Department, Government of Bihar, Patna
3. The Secretary, Bihar State Education Research and Training Council, Mahendru, Patna
4. The Director, State Council of Education, Research and Training, Bihar, Patna

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Advocate
For the State	:	Mr. Shankar Kr. Thakur, AC to GP27

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-12-2017

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Mr. Umesh Kumar Mishra, counsel for the petitioner submits that although the order dated 6.5.2015 passed in CWJC No. 2650 of 2015, Annexure-A is binding, but his case is distinguishable. He submits that in the case of this petitioner the respondents may take a final decision on the representation and if it is found that the petitioner is entitled to grace marks then they may consider and pass final order and in the event the respondents



decides to grant grace marks as per their own policy decision then the other issue raised in this writ petition becomes academic.

In view of the above, the writ petition is disposed of with a direction to the respondent No. 4 to look into the grievance of the petitioner and if it is found that the petitioner is entitled to grace marks according to the policy decision of the State then the respondents may take final decision on the representation filed by the petitioner as contained in Annexure-5 within a period of sixty days from the date of receipt/production of a copy of this order.

It is made clear that this court has not expressed any opinion on the entitlement of the petitioner for grace marks or the obligation of the respondents to grant grace marks. It is up to the respondent No. 4 to examine the case of the petitioner and pass appropriate order.

Needless to say that the question of law raised in the instant case stands concluded by the judgment of this court as contained in Annexure-A to the counter affidavit.

(Anil Kumar Upadhyay, J)

spandey/-

U			
---	--	--	--

