

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.209 of 2015

In

Civil Writ Jurisdiction Case No. 12012 of 2008

- =====
1. The State of Bihar through the Principal Secretary Education Department, Govt. Of Bihar, Patna.
 2. The Director, Primary Education, Govt. of Bihar, Patna
 3. The Regional Deputy Director of Education, Primary Education, Patna Division, Patna.
 4. The District Superintendent of Education, Rohtas at Sasaram.

.... Petitioner/s

Versus

1. Dhannoo Lal S/o Late Raghubir Lal R/o Village - Koir Purwa, P.S. - Buxar, District - Buxar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Nadim Saraj, GP.5
Mr. Shailesh Kumar

For the Respondent/s : Mr. S. Kumar, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

9 22-02-2017 Heard the parties.

In the present case petitioner is making a prayer for review of the order dated 5.5.2014 passed in C.W.J.C. No.12012 of 2008 by which this Court has granted monetary benefit from the date of promotion granted to the petitioner as has been recorded that the same benefit of promotion including the financial benefit were given to his juniors.

State has come forward with a fact that monetary benefit granted to the junior along with promotion is completely illegal, show cause for illegal act has been handed over to the authorities who have been found involved are also facing the departmental proceeding. He has prayed for review of the order but he has not pointed out any



error apparent on the face of the record. So much so this issue granting monetary benefit from the date of promotion is no longer res integra in view of the several judgments of Hon'ble Supreme Court as well as this Court. Counsel for the petitioner has placed reliance on the judgments of this Court in the case of Shiva Narayan Lal v. State of Bihar and others, reported in 1999(1) PLJR 243 and Md. Hafiz v. State of Bihar and others, reported in 2003(2) PLJR 44. Both the judgments reflect, the person who has not been granted promotion, illegally deprived from promotion is entitled the benefit of promotion, from retrospective effect along with financial benefit.

In such view of the matter, this Court does not find any error either on law as well as on fact, specially in view of the fact that petitioner has brought on record order dated 5.4.2008 indicating other person has been given the benefit of promotion along with financial benefit with retrospective date.

Accordingly the review petition is dismissed.

(Shivaji Pandey, J)

Vinay/-

U			
---	--	--	--

