

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1522 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 341 of 2014
Along with
Interlocutory Application No. 6813 of 2015**

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Shyam Kishore Singh S/o- Late Jagat Narayan Singh, R/o Village- Kali, P.O.-
Dilahi, District- Darbhanga

.... Appellant/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Govt. of Bihar, Patna
3. The Regional Deputy Director of Education, Darbhanga
4. The District Education Officer, Darbhanga
5. The District Programme Officer (Estt.) Darbhanga

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Kumar Singh, Advocate
For the State : Mr. Sushil Kumar, GP-22
Mr. Uday Prasad, AC to GP-22

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH**
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 07-02-2017

Interlocutory Application No. 6813 of 2015

The application is for condonation of delay of 153
days in filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we
find that sufficient cause is made out for condonation of delay.
Consequently, we condone the delay in filing of the present Letters
Patent Appeal.



Letters Patent Appeal No. 1522 of 2015:

The challenge in the present Letters Patent Appeal is to an order passed by a learned Single Bench on 2nd February, 2015 whereby the challenge to the order dated 21st May, 2012 passed in pursuance of the earlier direction of this Court in CWJC No. 10091/2003 on 17th September, 2010 remained unsuccessful.

The appellant was promoted as Headmaster by notification dated 24th November, 1995 but with effect from 01.04.1989. The condition in the order for promotion was that promoted Officer will get pay scale in the promoted post from the date of joining. The appellant attained the age of superannuation on 30th November, 1995. The appellant had not joined the promoted post before his superannuation.

The claim of the appellant is for payment of higher pay scale on the strength of the promotion order issued on 24th November, 1995. The learned Single Bench has rightly dismissed the writ application on the ground that mere issuance of promotion order will not confer any right to get higher pay scale unless and until the candidate has joined the promoted post. Since admittedly, the appellant had not joined the promoted post before attaining the age of superannuation, therefore, he is not entitled to benefit of higher pay scale.



We do not find any error in the order of the learned Single Bench which may warrant any interference in the present intra-Court appeal.

The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

S.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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