

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10564 of 2016

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1. Baidyanath Mandal Son of Jibachh Mandal Resident of Village- Adavan Thathopur, Police Station- Baheri, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department Human Resources, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Commissioner, Darbhanga Pramandal Darbhanga.
5. The District Magistrate, Darbhanga.
6. The District Programme Officer, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramashankar Singh
For the Respondent/s : Mr. Gp17- Binodji Verma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 23-04-2018 Heard learned counsel for the petitioner and the State.

This writ petition has been filed by the petitioner for a direction to the respondents to grant him time bound promotion after completion of 24 years of service.

On behalf of respondents, counter affidavit has been filed in which, no specific stand has been taken.

From the counter affidavit, it is difficult to understand what was the adjudication in CWJC No. 11201 of 2013 and M.J.C. No. 1491 of 2014. The counter affidavit appears to be evasive which does not serve the purpose of proper assistance to the court.



However, considering the aforesaid fact, the respondents are directed to take final decision in the case of the petitioner either to grant time bound promotion or promotion under Assured Career Progression Scheme or Modified Assured Career Progression Scheme (ACP/MACP) and if it is found that the petitioner is covered by time bound promotion under ACP/MACP, the case of the petitioner be considered and consequential benefit be given to the petitioner. If the respondents find that the petitioner is not entitled for time bound promotion or ACP/MACP, the claim of the petitioner may be rejected, by reasoned and speaking order to be passed by respondents.

Entire exercise in this regard should be done by the respondents within a maximum period of three months from, the date of receipt/production of copy of the order.

Accordingly, this writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

A.K.V./-

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