

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4291 of 2017

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Shambhu Sah, Son of Ramdeo Sah, Resident of Village- Janarh, P.S. Aurai,
District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary, Education Department Govt. of Bihar, Patna.
3. Director, Primary Education, Govt. of Bihar, Patna.
4. Regional Deputy Director of Education, Muzaffarpur.
5. District Education Officer, Muzaffarpur.
6. The District Programme Officer, Establishment, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Respondent/s : Mr. Mritunjay Kumar Mishra, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 02-04-2018

Heard learned counsel for the petitioner and State.

2. The petitioner is aggrieved by the office order, as contained in Memo no. 685, dated 31.01.2017 (Annexure-5), whereby the promotion of the petitioner was kept in abeyance.

3. Learned counsel for the petitioner has referred to Annexure-2 to indicate that the petitioner was paid Rs. 17,500/- in connection with construction of toilet and for utilization of the same he was issued "No Dues Certificate" on 14.03.2016 itself and thereafter the case of the petitioner was considered for grant of promotion as a free man.

4. Now the respondents are referring to the advance paid to the petitioner in connection with construction of said toilet for



which No Dues Certificate was issued vide Annexure-2 itself.

5. In the aforesaid circumstance, keeping the promotion already granted to the petitioner in abeyance appears to be totally non-application of mind. However, in the peculiar facts of the case, the respondents are directed to pass fresh order in the matter of joining of the petitioner on promotional post considering Annexure-2 and other documents, which indicate that nothing is due against the petitioner. The petitioner is hereby granted liberty to file exhaustive representation before the District Programme Officer (Establishment), Muzaffarpur, who shall examine the same and pass appropriate order on the joining of the petitioner within a maximum period of one month from the date of receipt of such representation along with a copy of this order. In case, nothing is found due against the petitioner, the respondent District Programme Officer (Establishment), Muzaffarpur is required to ensure all consequential benefit to the petitioner from the date the similarly circumstanced others have been granted such benefit. Final decision in this regard must be taken by the respondent within the time frame indicated hereinabove, failing which it will be deemed that nothing is recoverable from the petitioner, which warrants any action against the petitioner including keeping the joining in abeyance of the petitioner and the petitioner is entitled to joining on promotional post with all the consequential



benefit, as if the order contained in Annexure-5 never existed.

6. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.04.2018
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