

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15806 of 2015

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Vivekanand Singh, S/o Late Parmanand Singh, R/o Village- Teghra, P.O.-
Lakhanpur, P.S.-Tarapur, Via Asarganj, District-Munger Petitioner/s
Versus

1. The State of Bihar, through the Principal Secretary, Human Resources Department, Govt. of Bihar, Patna
 2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna
 3. The Addl. Secretary, Finance Department, Govt. of Bihar, Patna
 4. The Director, Secondary Education, Bihar, Patna
 5. The Regional Deputy Director, Bhagalpur Division, Bhagalpur, District Bhagalpur
 6. The District Education Officer, Bhagalpur, District Bhagalpur. Respondent/s
- =====

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
		Mr. Dhananjay Kumar Gupta, Advocate
For the Respondent/s	:	Mr. Shilpi Keshri, AC to AAG-X

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 03-12-2018

Heard learned counsel for the petitioner and the respondents.

2. The grievance of the petitioner in the present writ application is revision in the date of grant of promotion.

3. According to the learned counsel for the petitioner , 24 years service was completed by the petitioner on 11.04.2009, whereas the benefit of promotion on completion of 24 years was granted to the petitioner w.e.f. 04.03.2014.

4. Learned counsel appearing on behalf of the respondents submits that the petitioner is not entitled to the benefit from 11.04.2009, as in terms of amended circular the petitioner is entitled to the benefit w.e.f. 04.03.2014.



5. On consideration of the facts and circumstances of the case, the Court cannot approve the action of the respondents. The subsequent decision cannot be used to deprive the benefit to the petitioner from the due date. In terms of the existing norms, the petitioner was entitled to grant of promotion on completion of 24 years on 11.04.2009 that cannot be denied on the ground that due to their lapse decision was not taken earlier and then the subsequent circular came into place and as such the petitioner was granted benefit of promotion w.e.f. 04.03.2014.

6. The Court directs the respondents to adhere their own norms, which was prevalent at the time when the petitioner has completed 24 years of service for grant of promotion. Necessary decision for grant of all consequential benefit must be taken by the respondents at the earliest preferably within a maximum period of four months from the date of receipt/production of a copy of this order.

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

(Anil Kumar Upadhyay, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.12.2018
Transmission Date	

