

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13412 of 2014

Chandeshwar Ram, son of late Jhagru Ram, Assistant Teacher, Railway Balak Middle School, Neura Colony, Khagaul, Danapur-2, resident of Mohalla- Bari Khagaul, Post Office and Police Station- Khagaul, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
2. The Director, Primary Education, Government of Bihar, Patna
3. District Nationalized Primary Teachers Promotion Committee, Patna through its Secretary
4. District Education Officer, Patna District, Patna
5. District Programme Officer (Establishment) Patna, District- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. V.R.P. Singh, Advocate Mr. Arvind Kumar, Advocate
For the Respondent/s	:	Mr. Prabhat Ranjan Singh, AC to AAG-15

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 07-09-2018

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

2. The grievance of the petitioner in the present writ petition is non-consideration of his case for grant of Graduate Trained Scale. The petitioner was superannuated on 31.07.2014 but ignoring his case, the respondents have granted Graduate Trained Scale to similarly circumstanced juniors to the petitioner.

3. Learned counsel for the petitioner submits that although the petitioner has obtained prior permission for improvement of the qualification but while considering the case of the other similarly circumstanced, the respondents have ignored



the case of the petitioner on the ground that the petitioner has improved his qualification during the currency of his service and as such the petitioner is not entitled to grant of promotion although no such specific order rejecting the claim has been passed by the respondents as is evident from Annexure-7.

4. Learned counsel for the State has drawn attention of the Court upon Annexure-7 to indicate that the case of the petitioner was not considered only on the ground that the petitioner has improved his qualification while he was in service.

5. It appears that respondents have granted benefit of Graduate Trained Scale to many persons including junior to the petitioner but the reason for non-consideration that petitioner has improved qualification during the service period, cannot be taken as valid ground as no where in the Service Rules there is inhibition to appear as private candidate and improve his qualification after prior permission of the competent authority.

6. Under the aforesaid circumstances, the Court does not see any reason to deny promotion. However, the petitioner has superannuated and as such the respondents have to consider the case of the petitioner for grant of such promotion notionally only for the purpose of revision of pension and post retiral dues on account of the fact that the petitioner has now superannuated.



Entire exercise in this regard must be completed by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order so that the petitioner may be granted benefit of post retiral dues and revision of pension.

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

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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