

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14424 of 2014

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Awadh Kishore Prasad, S/o Late Bramhdeo Mahto, Resident of Village
Onama, P.S. Sekopur Sarai, District Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Finance Department, Bihar, Patna.
3. The Principal Secretary, Education Department, Bihar, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The Regional Deputy Director of Education, Munger Division, Munger.
6. The District Education Officer, Munger.
7. The District Education Officer, Sheikhpura.
8. The District Programme Officer (Establishment), Sheikhpura.
9. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra, Advocate
For the Respondent/s : Mr. Rajesh Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 27-09-2018 Heard learned counsel for the petitioner and the

State.

This writ application has been filed after service of two advance copies on 22.08.2014 to the office of learned Advocate General. The writ application has remained pending for four years. Respondent-State has not filed any counter affidavit. Formality of filing counter affidavit has been completed by the Accountant General showing that the Accountant General has no role to play in the matter of non-gazetted employee. Petitioner has filed the present writ application for a direction to the petitioner for grant of consequential benefit of Grade-4 and also for the



benefit of promotion in Grade-5. If the respondents have granted the benefit of promotion in terms of the Promotion Rule, 1993, they were obliged to ensure grant of the consequential benefit on grant of such promotion. Promotion is not imaginary and illusory benefit but designed to provide actual monetary benefit on grant of such promotion. Since the respondents have not given the benefit, the Court is constrained to direct the Director, Primary Education to look into the grievance of the petitioner and take final decision on the claim of the petitioner for grant of consequential benefit on grant of promotion to the petitioner in Grade-4 and Grade-5. Necessary decision granting such benefit to the petitioner may be taken by the respondent Director Primary Education within a period of four months from the date of receipt/production of a copy of this order. In the event of delay on the part of the respondents in extending the consequential monetary benefit, the respondents would be obliged to pay interest at the rate of 9% .

With the aforesaid observation, this writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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