

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17891 of 2014

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Birendra Kumar Rai Son of Late Agnideo Prasad Rai Resident of Village -
Dumariya, P.O. - Chanchaura, Police Station - Chapra Mufassil, District -
Saran (Chapra), at present posted and working as an assistant teacher in Govt.
Basic School Ferusa, Anchal - Garkha, District - Saran(Chapra)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The Director (Administration)-Cum-Additional Secretary, Education
Department, Govt. of Bihar, Patna
4. The Regional Deputy Director of Education, Saran Division, Chapra
5. The District Education Officer, Chapra, District - Saran
6. The District Programme Officer (Establishment), Chapra, District - Saran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Rakesh Prabhat, AC to SC-21

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 17-09-2018 Heard Mr. Umesh Kumar Mishra learned counsel for

the petitioner and learned counsel appearing on behalf of the

State.

The petitioner has filed the instant writ application for
a direction to the respondent to consider the case of the
petitioner for grant of promotion. Learned counsel appearing on
behalf of the petitioner submits that the case of the petitioner for
grant of promotion has been kept in abeyance till the vigilance
enquiry. He further submits that there is nothing against the
petitioner and he is not subject matter of the vigilance enquiry
and as such there is no impediment in considering the case of
the petitioner for grant of promotion.



This writ petition was filed on 16.10.2014 after service of two advance copies to the office of the Advocate General, but unfortunately till date no counter affidavit has been filed.

Under the aforesaid circumstance, the writ petitioner is disposed of with a direction to the respondent to examine the claim of the petitioner for grant of promotion after scrutiny of the records, if it is found that petitioner is not subject matter of vigilance enquiry then respondents may consider the claim for grant of promotion to the petitioner with all consequential benefits. If it is found that the petitioner is involved in vigilance enquiry then the respondent may reject the claim of the petitioner for grant of promotion. Final decision may be taken by the respondent within a maximum period of 60 days from the date of receipt/ production of a copy of this order.

With the aforesaid the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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