

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17256 of 2014**

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Raghunath Jha, S/o Late Mahavir Jha, Resident of Village-Champa, P.O. Parjuar  
Via Kaluahi, P.S.- Arer, District Madhubani, Retired Teacher Middle School,  
Patauna (Basopatti), District Madhubani. .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Bihar, Patna.
  2. The Special Secretary-cum-Director, Primary Education, Bihar, Patna.
  3. The Regional Deputy Director of Education, Darbhanga.
  4. The District Magistrate, Madhubani.
  5. The District Education Superintendent, Madhubani.
  6. The Block Education Officer, Basopatti, District Madhubani. .... Respondent/s
- =====

**Appearance :**

For the Petitioner/s : Mr. Raj Kumar, Advocate  
Mr. Ratanakar Jha, Advocate  
For the Respondent/s : Mr. SC12- P.K. SINGH

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL JUDGMENT**  
**Date: 24-09-2018**

Heard learned counsel for the petitioner and State.

2. The present writ application has been filed by the petitioner on 08.10.2014 after service of two advance copies to the office of learned Advocate General, Bihar.

3. The present writ application has been filed by the petitioner for a direction to the respondents to grant Super Time Scale (Grade-III) on completion of 24 years of service w.e.f. 01.04.1992 in terms of 1993 Promotion Rules.

4. Learned counsel for the petitioner submits that during the pendency of the writ application, the petitioner was granted Grade-III pay scale on 09.08.2016 w.e.f. 01.04.2004. Referring to the statutory Rule, he submits that in 1993 Promotion Rules, promotion is available on completion of Kalabadhi and in terms of 1993 Promotion



Rules, the petitioner ought to have been granted such benefit w.e.f. 01.04.1998 in Grade-III scale and the consequential benefit of promotion to Grade-IV in terms of 1993 Promotion rules.

5. Considering the fact that the petitioner has been granted promotion w.e.f. 01.04.2004 with all consequential benefits, the respondents have to examine the claim of the petitioner strictly in accordance with 1993 Promotion Rules and in the event if it is found that the petitioner is entitled to such benefit w.e.f. 1998, corrective orders must be passed granting the benefit from the appropriate date by revising the date of promotion from 01.04.2004 to 01.04.1998 and also consider the case of the petitioner for grant of further upgradation in Grade-IV scale in accordance with 1993 Promotion Rules. Necessary decision on the claim of the petitioner in accordance with 1993 Promotion Rules must be taken by the respondents within a period of four months from the date of receipt/production of a copy of this order with all consequential benefits.

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

**(Anil Kumar Upadhyay, J)**

Uday/-

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| AFR/NAFR          | NAFR       |
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