

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21434 of 2013

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Sanjiv Kumar Tiwary, S/O Late Ramakant Tiwary, Resident of Vill. - Tiwaripur,
P.O. - Dahiwar, P.S. - Industrial Area, Buxar, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The Regional Deputy Director of Education Patna
4. District Education Officer, Buxar
5. District Program Officer (Establishment), Buxar
6. Sri Madhusudan Paswan, District Education Officer, Saran At, P.O. & P.S. -
Chapra, Distt - Saran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadh Bihari Ojha, Sr. Advocate
Mr. Nitesh Kumar, Advocate

For the Respondent/s : Mr. Umesh Narayan Dubey, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 10-09-2018

Heard learned counsel for the petitioner and State.

2. The grievance of the petitioner in the instant writ application is non-consideration of his case for promotion in terms of Rule 1993 and the judgment of the Full Bench in the case of **Ram Nath Prasad Singh vs. The State of Bihar & Ors**, reported in **2009 (3) PLJR 384**.

3. In the counter affidavit, peculiar stand has been taken by the respondents that Personnel and Administrative Reforms Department, Bihar, Patna has issued order regarding stay of Departmental Promotion Committee Meeting vide Memo No. 11218



dated 12.08.2014. In fact, the stay of convening meeting of DPC was withdrawn by the General Administration Department and as such there is no legal impediment in considering the case of the petitioner for grant of promotion in accordance with the 1993 Promotion Rules and the subsequent 2011 Promotion Rules.

4. In view of the above, the respondents are hereby directed to consider the case of the petitioner in accordance with the 1993 Rules and the subsequent 2011 Rules for grant of promotion by convening the meeting of Departmental Promotion Committee within a period of four months from the date of receipt/production of a copy of this order.

5. It is needless to state here that in the event, the respondents admit the claim of the petitioner for grant of promotion, they are obliged to grant all consequential benefits within the time frame as indicated above.

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

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2018
Transmission Date	

