

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.23349 of 2013**

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Rangi Ram Alias Rangi Lal Ram Son Of Late Thug Ram Resident Of Village  
- Narayan, P.S. Kuchaikote, District – Gopalganj ... .. Petitioner/s  
Versus

1. The State of Bihar
2. The Secretary, Human Resources Development Department, Govt. Of Bihar,  
Patna
3. The Director, Primary Education, Human Resource Department, Govt. Of  
Bihar, Patna
4. The District Programme Officer, Establishment ( Education ), Gopalganj,  
District - Gopalganj
5. The District Education Officer, Gopalganj, District - Gopalganj
6. The District Superintendent Of Education, Gopalganj, District - Gopalganj  
... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Udit Narayan Singh, Advocate  
For the Respondent/s : Mr. Sarvesh Kr. Singh, A.A.G.-13  
Mrs. Sunita Kumari, A.C. to A.A.G.-13

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL JUDGMENT**  
**Date : 10-09-2018**

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

2. The claim of the petitioner was not considered for  
grant of promotion in Gr.-III.

3. Learned counsel for the petitioner submits that  
petitioner has superannuated before his claim for grant of  
promotion in Gr.-III may be considered. He submits that  
respondents were obliged to decide the claim of the petitioner in  
accordance with 1993 promotion rules. Since there was delay on  
the part of the respondents, therefore, they cannot be heard  
saying that the petitioner has superannuated and as such petitioner  
cannot be considered for grant of promotion.



4. Learned counsel for the respondents submits that petitioner is not otherwise eligible for grant of promotion and as such no relief can be granted to the petitioner after his superannuation.

5. In view of the above, no positive direction can be issued in favour of the petitioner. However, if the petitioner files exhaustive representation to show that petitioner is otherwise eligible for grant of promotion in terms of 1993 promotion rules, the respondents may consider the case of the petitioner for grant of notional promotion for the purpose of grant of benefit of pensionary benefit.

6. The respondents are accordingly, directed to take fresh decision on the representation as to the claim for grant of promotion to grade-III.

7. Final decision on such representation may be taken by the respondents within a period of four months from the date of receipt/production of a copy of this order.

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

**(Anil Kumar Upadhyay, J)**

Ravi/-

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