

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19378 of 2010

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1. Suresh Prasad No.1 S/O Late Nathun Prasad R/O Village- Tikuliya Par, P.O.- Nagma, P.S.- Kako, Distt.- Jehanabad, Presently Posted as Correspondence Clerk, Shahabad Road Division, Ara
 2. Suresh Prasad No.2 S/O Late Bankey Bihari Prasad R/O Mohalla- Lohanipur, Bhushan Lane, Kadam Kuan, P.O. And P.S.- Kadam Kuan, Distt.- Patna, Presently Posted as Correspondence Clerk, Shahabad Road Division, Ara

.... Petitioner/s

Versus

1. The State of Bihar
2. The Finance Secretary Government of Bihar, Patna
3. The Principal Secretary Road Construction Department, Government Of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna
4. The Engineer-In-Chief-cum-Additional Secretary - cum - Special Secretary Road Construction Department, Government of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna
5. The Superintending Engineer Bhojpur Road Circle, Road Construction Department, Ara
6. The Executive Engineer Shahabad Road Division, Road Construction Department, Ara
7. The Treasury Officer, Bhojpur at Ara, Distt.- Bhojpur at Ara

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Anita Kumari

For the Respondent/s : AAG-11

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 26-06-2018 The present writ petition has been filed for quashing the letter dated 14.5.2010 issued by the respondent no. 5 so far as it relates to the petitioner, whereby and where under the respondent no. 5 has cancelled the benefit of time bound promotion granted to the petitioners and recovery of excess payment has been directed to be made.

The short issue involved in the present case is as to



whether the petitioners are entitled to be granted exemption from passing the departmental exam on account of having attained the age of 50 years.

The learned counsel for the petitioners has relied on notifications dated 28.5.2009 and 16.6.2010, contained in Annexure-4 and 4/1 to the writ petition.

It is a trite law that the incumbents are not required to pass a departmental exam after attaining the age of 50 years for the purposes of grant of time bound promotion / the benefits of A.C.P. as has been decided by this Court in the case of ***Shri Narayan Pandit vs. The State of Bihar*** reported ***in 2013(1) PLJR 747***.

In view of the aforesaid, the letter dated 14.1.2010 passed by the respondent no. 5 qua the petitioners herein are quashed.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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