

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12917 of 2014

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Kiran Devi daughter of Sri Jaleshwar Singh, wife of Sri Birendra Singh,
resident of village Achitpur, P.S. Ishuapur, District Saran
..... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
 2. The Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna
 3. The Director, Primary Education Bihar, New Secretariat, Building , Patna
 4. The District Magistrate, Saran at Chapra
 5. The District Programme Officer (Establishment), Saran at Chapra.
 6. The District Education Officer, Saran at Chapra
 7. The District Superintendent of Education, District Saran at Chapra
..... Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Alok Kumar @ Alok Kr Shahi
For the Respondent/s : Mr. Ravi Kumar AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 24-07-2018

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

2. The case of the petitioner for grant of promotion was
rejected by the respondent on the ground that the petitioner has
appeared in the training examination in the same academic session.

The petitioner appeared in the intermediate examination as well as
in training examination in the same academic session.

3. Learned counsel for the petitioner has contended that the
petitioner has appeared in the intermediate examination as
independent candidate and not appeared as a candidate of regular
course, the bar is on pursuing two regular course simultaneously in
the same academic sessions. Reading Annexure-2, it is manifest



that the petitioner has appeared as the independent candidate in the intermediate examination and not as the regular candidate.

4. In view of the aforesaid the Court does not find any substance in the decision or order rejecting the claim of the petitioner by the respondents as they proceeded on the basis that petitioner has prosecuted two academic courses in one academic sessions.

5. In view of the Annexure-2, the Court is of the considered view that appearing in intermediate examination as an independent candidate would not be a valid ground to reject the claim of promotion of the petitioner. Accordingly, Annexure-4 is quashed and the respondents are hereby directed to re-consider the case of the petitioner for grant of promotion within four months from the date of receipt / production of a copy of this order and passed appropriate order with all consequential benefits treating the privately done intermediate as no bar for consideration as petitioner has not prosecuted two regular course simultaneously in one academic session.

banti/-T.Kr.

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	NA
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