

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11879 of 2001

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Satinath Jha, son of Late Shrishti Narayan Jah, resident of village-Andhra Tharhi, Police Station-Andhra Tharhi, District-Madubani

.... Petitioner/s

Versus

1. The State of Bihar represented through the Director, Panchayati Raj Vibhag, Bihar, Patna
2. Zila Parishad, Madhubani represented through respondent no. 3
3. The Secretary-cum-Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Medini Kant Jha

For the Respondent/s : Mr. R.P. Bhagat, GP-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 21-06-2018

The present petition has been filed for quashing the order contained in Memo No. 910 dated 18.01.2001 passed by the respondent no. 3, whereby and whereunder the case of the petitioner for enabling him to cross the efficiency bar for grant of enhanced increment has been rejected on the ground that the petitioner has not passed the Hindi Noting Drafting examination.

The respondents, in their counter affidavit, have stated that the petitioner was obliged to pass the Hindi Noting and Drafting examination. However, since the petitioner has not passed the said examination, the relief sought for, has not been granted. It is further submitted that the reliance of the petitioner on letter no. 276 dated 11.1.1977, which is an executive instruction is



of no avail since the same cannot override Rule 5 of Panchayat Samiti and Zila Parishad Service Conditions Rule. It is further submitted that the said executive instruction dated 11.1.1977 pertains to Karamchari and does not relate to the Padadhikaries like the petitioner.

Having regard to the facts and circumstances of the case and the uncontroverted facts stated in the counter affidavit, which have not been denied by the petitioner by filing a rejoinder affidavit, I do not find any merit in the present petition, accordingly the same is dismissed.

(Mohit Kumar Shah, J)

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