

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10080 of 2015

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Raghuvir Chaudhary son of Sri Jageshwar Chaudhary Resident of Village -
Simra; Police Station - Sakra; District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Education Department, Bihar.
2. The Secondary, Education Department, Bihar.
3. The Accountant General, Bihar, Patna
4. The District Education Officer, Muzaffarpur.
5. The District Superintendent of Education, Muzaffarpur.
6. The Block Education Extension Officer, Muraul, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pradhan Murli Manohar Prasad, Adv.
		Mr. Raja Kumar Goswami, Adv.
For the Respondent/s	:	Mr. Manoj Kumar, AC to GP-4
For the A.G.	:	Mr. Satyendra Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 20-12-2018 Heard learned counsel for the substituted petitioner

and the counsel appearing on behalf of the State as well as

Accountant General.

2. The grievance of the original petitioner in the
instant writ application is denial of second time bound
promotion notwithstanding the policy decision of the
Government and direction issued from time to time by this
Hon'ble Court.

3. The father of the petitioner was appointed in the
year 1960 as a Teacher and in terms of the policy decision he
was entitled to grant of second time bound promotion, which



was available upto 31st December, 1995.

4. Learned counsel for the petitioner would submits that the respondents have not granted the benefit of second time bound promotion to the original petitioner, although the father of the petitioner was entitled to such benefit on completion of prescribed period of service.

5. Learned counsel appearing on behalf of the Accountant General submits that the respondent State is under obligation to take decision. Unfortunately even after service of two advance copies of the writ application to the office of learned Advocate General in 2015, no counter affidavit has been filed in the instant case.

6. Under the aforesaid circumstances, the Court is constrained to direct the District Superintendent of Education, Muzaffarpur, who are now designated as District Programme Officer (Establishment) Muzaffarpur to examine the record and if it is found that the father of the petitioner was entitled to grant of second time bound promotion on completion of requisite length of service, the respondent District Programme Officer (Establishment), Muzaffarpur (Respondent No.5) shall take appropriate decision within a period of four months from the date of receipt/production of copy of this order. Failure on the



part of the respondents in deciding the claim and ensuring the consequential benefit in the event of delay in payment, the due amount will carry interest at the rate of 9% per annum from the date of its accrual till the date of its actual payment. The interest shall be born out from the pocket of concerned employees in the office of District Programme Officer (Establishment), Muzaffarpur.

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

(Anil Kumar Upadhyay, J)

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