

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1469 of 2016

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1. Ashanand Hazara Son of Late Brahmdeo Hazara, resident of Village-Gheri, Victoriya Mission, P.S.- Nautan, District- West Champaran.
2. Naresh Kumar Son of Late Videshi Chaudhary resident of Village-Muhalla, R.K. Puram, Road No. 4, P.S. Mithapur, District- Muzaffarpur.
3. Bhola Paswan son of late Fakira Paswan resident of Village- Sundarpur Ratwara, P.S. Piar, District- Muzaffarpur.
4. Rajesh Ram son of Late Jai Govind Ram, resident of Village Ambedkar Colony, Baswariya P.S. Bettiah (Town) District- West Champaran.
..... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Bihar, Patna.
2. The Director (Administration), Human Resources Development Department, Bihar, Patna.
3. The Director (Primary Education) Bihar, Patna.
4. The Deputy Director (Primary Education) Bihar, Patna.
5. The Regional Deputy Director of Education, Tirhut Pramandal, Muzaffarpur
..... Respondents

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Appearance :

For the Petitioners : Mr. Bimlesh Kumar Pandey, Adv.
For the Respondents : Mr. Triporari Nath Ambastha, AC to SC XXVI

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-02-2018 Heard the learned counsel for the petitioners and the learned counsel appearing for the State.

The learned counsel for the petitioners submits that the petitioner no. 1 has claimed that he is eligible for grant of promotion way-back in 2011 itself, however, respondents arbitrarily excluded petitioner no. 1 while considering the case of other eligible persons. Now it has been submitted that all the petitioners are eligible for grant of promotion and, as such, the petitioners are entitled to be considered for grant of promotion.

In the counter affidavit the respondents have mentioned about the kalavdhi and it appears that all the petitioners



have completed kalavdhi for grant of such promotion.

In view of the above, the writ application is **disposed of** with a direction to the respondent no. 2, the Director (Administration), Human Resources Development Department, Bihar, Patna, to look into the grievance of the petitioners and if the petitioners are found eligible for grant of promotion, respondent no. 2 will consider the case of petitioners for grant promotion according to the roster available.

It goes without saying that while deciding the entitlement of the petitioners for grant of promotion, if any, ineligible persons have been included necessary corrective order, excluding un-eligible persons, must be taken by the respondent no. 2 in accordance with law.

Final decision with regard to the claim of the petitioner will be taken by the respondents within a maximum period of sixty days, from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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