

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11924 of 2016

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Kumari Renu, W/o Sri Rama Shankar Singh, Resident of village - Pothia,
P.O. Pothia, P.S. Falka, District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Human Resources Department, Govt. of Bihar, Patna
2. The Director Primary Education Cum Addl. Secretary, Education Department Govt. of Bihar, Patna
3. The Director (Administration) - Cum - Additional Secretary, Education Department, Govt. of Bihar, Patna
4. The Regional Deputy Director, Education, Purnea Division, Purnea
5. The District Education officer, Katihar, District Katihar
6. The District Programme officer (Establishment), Katihar, District Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anshuman Jaipuriyar, Advocate

For the Respondent/s : Mr. Anil Kr. Sinha, GA-9

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 25-04-2018

Heard learned counsel for the petitioner and State.

2. The petitioner is aggrieved by the inaction on the part of the respondents in the matter of consideration of his case for grant of promotion form Lower Subordinate Education Service to Subordinate Education Service.

3. Learned counsel for the petitioner submits that the respondents have considered the case of similarly circumstanced and in para 9 and 10 there are averments that similarly circumstanced others were granted promotion, whereas the petitioner was ignored in the matter of granting promotion.



4. The respondents on the other hand submits that the petitioner has obtained two degree in same academic Session.

5. Learned counsel for the petitioner has drawn the attention of the Court to para 10 of the writ application, which has not been specifically denied in the counter affidavit to contend that the respondents cannot adopt two yardstick one for the petitioner and other for others. He submits that in case the respondents maintain that the persons, who have obtained two degree in the same academic sessions, then in that situation, the petitioner cannot be discriminated vis-à-vis the persons mentioned in para 10 of the writ application.

6. Considering the aforesaid, the writ application is disposed of with a direction to respondent no.3 to consider the grievance of petitioner, if it is found that the case of the petitioner is similar to the persons named in para10 of the writ application, the respondent no.3 would extend similar benefit to this petitioner also. In case, respondent no.3 maintain that others were illegally granted the benefit of promotion then in that situation the respondent no.3 is directed to adopt corrective measures after hearing the persons, who have been extended the benefit of promotion, although their case stands on similar footing like the petitioner.



7. The entire exercise in this regard must be completed within a maximum period of four months from the date of receipt/production of a copy of this order.

8. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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