

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6501 of 2017

Ashbini Kumar Son of Late Lala Mahto Resident of Village Mohanpur, P.O. -
Beshwak, P.S. - Islampur, District - Nalanda, Pin Code - 801303.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The Regional Deputy Director of Education, Patna Pramandal, Patna.
5. The District Education Officer, Nalanda.
6. The District Programme Officer (Establishment), Nalanda.

... .. Respondents

Appearance :

For the Petitioner : Mr. Rama Kant Singh, Advocate

For the Respondents : Mr. Sami Kumar AC to SC 16

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-12-2018 Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

Petitioner has raised a grievance regarding his non-inclusion in the gradation list published vide letter no. 480 dated 27.3.2017 for the purpose of granting promotion in trained graduate scale (Arts).

Respondent State has taken stand in the counter affidavit that since the petitioner has enhanced his qualification while in service without permission of the competent authority he is not entitled to said consideration as qualification enhancement is contrary to the prescribed procedure. It is submitted that the petitioner was required to take permission from his appointing authority, whereas he has taken permission from the then Range Education Officer, Hilsa who was not competent to grant such permission. Therefore, his degree of BA cannot be taken into consideration while preparing final



gradation list.

Learned counsel for the petitioner submits that as per letter dated 8.2.2013, issued by the Director, Primary Education, Bihar petitioner's claim was to be considered since he has enhanced his qualification by correspondence course and since he was on leave on the date he had appeared in the examination.

No such claim has been made in the writ petition. He has not raised this issue even before the authorities which is based on the letter of the Director dated 8.2.2013.

Being faced with such difficulty, learned counsel for the petitioner submits that the petitioner would be raising his claim before respondents on the basis of letter dated 8.2.2013 by making a detailed representation within a period of four weeks from the date of receipt/production of a copy of this order.

In the event, such representation is filed, needless to say that the respondents would be obliged to consider and dispose of the same by a reasoned and speaking order within a period of three months thereafter.

The writ petition is disposed of.

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(Madhuresh Prasad, J)

