

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14474 of 2016

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Awadh Kishore Paswan, Son of Kesho Paswan, Resident of Village- Nimi, Police Station- Shekhopursarai, District- Sheikhpura, presently working as an Assistant Teacher U.M.S. Mohsinpur, Anchal- Shekhopursarai, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Education Department Govt. of Bihar, Patna.
3. The District Education Officer, Sheikhpura.
4. The District Programme Officer (Establishment) Sheikhpura.
5. The Block Education Officer, Shekhopursarai, District Sheikhpura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Respondent/s : Mr. Bijay Bhushan Prasad, AC to SC13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 09-04-2018

Heard learned counsel for the petitioner and State.

The grievance of the petitioner in the present writ application is non-consideration of his case for grant of promotion.

Learned counsel for the petitioner submits that the petitioner has requisite qualification for consideration of his case for promotion to the post of Headmaster. He submits that the name of the petitioner is figured in the panel prepared for grant of promotion and juniors to the petitioners have been granted promotion as Headmaster. He submits that the respondents have indicated in the order as contained in Annexure-8 that due to non-verification of the service book of the petitioner for certain period, the case of the petitioner was not considered for grant of promotion.



Learned counsel for the State submits that in view of the fact that the service book of the petitioner was not verified by the competent authority, the respondents have not considered the case of the petitioner for grant of promotion.

Admittedly the job of the respondents is to verify the record. The petitioner cannot verify the entries in the service book and for the lapse of the respondents, the petitioner cannot be made to suffer, since the verification of the record and entries in the service book is the job of the respondents and they cannot take advantage of their own lapse in not verifying the entries in the service book and granting promotion to the juniors to the petitioner have been considered.

Considering the fact that there is no lapse on the part of the petitioner and failure in the matter of verification of the record, which lies with the respondents, the writ application is disposed of with a direction to the respondent District Education Officer, Sheikhpura to see that all the formalities with regard to verification of the service book is done within a maximum period of 60 days from the date of receipt/production of a copy of this order.

In case, the petitioner is found eligible for grant of promotion, the petitioner shall be granted such promotion from the date the juniors to the petitioner have been granted promotion.



It goes without saying that the respondents are also required to ensure consequential benefits including the monetary benefits in the event they may admit the claim of the petitioner for grant of promotion. The entire exercise for grant of monetary benefits must be completed by the respondents within a further period of one month from the date of finalization of such promotion to the petitioner.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.04.2018
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