

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No 7373 of 2014

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Abdul Hafiz Son of Late Md Ishaqua resident of village and P.O- Tarwan
Mangarpal, P.S- Dariyapur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home (Jail) Department, Bihar, Patna.
2. The Principal Secretary, Home (Jail) Department, Government of Bihar, Old Secretariat, Patna.
3. The Inspector General (Prison), Old Secretariat, Patna.
4. The Director, Directorate of Probation Service, Old Secretariat, Patna.
5. Principal Probation Officer, District Probation Office, Central Jail, Beur, Patna

.... Respondent/s

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For the Petitioner/s : M/s Akashdeep, Shyameshwar Kr Singh, Advs

For the S t a t e : M/s Sushil Kr Singh, Naman Nayak, ACs to AAG X

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 10-08-2018

Heard learned counsel for the petitioner and the
respondent-State.

2 The petitioner has alleged wrong fixation of pay for
grant of benefits under the Time Bound Promotion Scheme by
contending that he was entitled to the grant of higher scale as a result
of the second time bound promotion. It is his submission that he is
entitled to be placed in the scale of Rs 8500-1360/- by virtue of first
time bound promotion and as a consequence thereof in the higher pay
scale as a result of the subsequent time bound promotion. The
petitioner has been finally placed in the Grade Pay of Rs 2,400/- as a
result of grant of benefits under the second Assured Career



Progression.

3 The petitioner's claim to the higher scale is denied under the order dated 19.03.2013 bearing No 47 issued by the Inspector General (for brevity, *IG*), Prisons and Probation Services, Bihar, Patna for the reason that next higher scale, which is being demanded by the petitioner, is the scale prescribed for the post of Assistant Probation Officers or the Routine Clerks.

4 It is submitted by the learned counsel for the State, with reference to the reasons assigned in the order of the IG, Prisons and Probation Services that the two posts are not in the line of promotion available to the petitioner. The petitioner, could at best have been appointed on higher post by participating in the limited examinations in the limited quota, which the petitioner has never appeared in.

5 Petitioner has disputed this aspect of the matter. He has referred to an Admit Card as proof of his participation in the limited examination in the year, 1996. The claim of the petitioner gives rise to a disputed fact. Mere issuance of Admit Card is not proof that petitioner has appeared in the examination after the Admit Card was issued. There is also nothing on record to show that after his alleged appearance in the examination in the year, 1996 till his retirement, or even till filing of the writ petition, he had made any



claim that he has in fact participated in the examination and that his result should be published.

6 This Court cannot grant any relief on the basis of Admit Card produced by the petitioner which, by no stretch of imagination, can lead to an inference that he has appeared in the examination. On the contrary, in the order dated 19.03.2013, impugned in the instant writ petition, the IG, Prison and Probation Services, with reference to the records available, has made categorical statement that petitioner has never appeared in the limited competitive examination for promotion either as Assistant Probation Officer or as Routine Clerk.

7 In view of the aforesaid situation, the petitioner has no enforceable claim for grant of next higher scale as a result of time bound promotion. The reasons assigned by the IG, Prisons and Probation Services, is duly supported by Resolution No 2215 dated 11.02.1985 of the Personnel and Administrative Reforms Department.

8 The writ petition is devoid of any merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.08.2018
Transmission Date	NA

