

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4719 of 2017

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1. Baban Prasad, Son of Jadan Gahlot, Resident of village - Lattha, Rafiganj,
District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Bihar, Patna
3. The Deputy Director, Primary Education, Bihar, Patna
4. The Regional Deputy Director, Primary Education, Gaya
5. The District Education Officer, Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Respondent/s : Mr. SMT. BINITA SINGH-SC28

Mr. Vivek Anand Amritesh, A.C. to S.C.-28.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 22-03-2018

Heard learned counsel for the petitioner, counsel appearing on behalf of the State.

The grievance of the petitioner in the matter of deciding the claim of the petitioner for consideration and grant of promotion to the post.

Learned counsel appearing on behalf of the petitioner placed reliance on averments made in paragraph 10 which reads as follows :-

“10. That it is also submitted that the petitioner has come to the knowledge that since a writ application was disposed off by the Hon’ble High Court wherein the degree of certain period issued by the Hindu Vidyapity, Deoghar and Sampurnanand Sanskrit University was not treated to be the equivalent to the post Graduate but from the letter dated 8.4.2016 issued under the signature of the Secretary, Govt. of Bihar under Notification it appears that the degree granted before 7.5.2012 would not be effect from the observation made in C.W.J.C. No.13343/2011 for the purpose of appointment and promotion.”

The petitioner specifically mentioned in paragraph 11 that the he has obtained /enhanced his qualification as a Graduate and Post-Graduate before the cut off date on 7.5.2012 and as such petitioner is entitled to be considered for grant of



promotion. Sine the respondents have not decided the claim of the petitioner for grant of promotion as head master one way or the other, it is obligatory on the part of the respondent to decide the claim in accordance with law at the earliest so that the petitioner may adopt further course of action on the decision of the respondents.

In view of the above when the Court finds no decision by the respondent on the claim of the petitioner cut off date 07.05.2012 as the petitioner appears to have obtained and enhanced the qualification as graduate and post graduate before cut off date before 7.5.2012, the writ petition is disposed of with liberty to the petitioner to file fresh representation along with the copy of this order to the Director, Primary School for examining the case of the petitioner in accordance with law and if it is found that before 7.5.2012, the degree of graduate and post graduate obtained from the University was a valid degree, appropriate order may be passed by the respondent within a period of 60 days from the date of filing of representation along with copy of this order.

In case respondent does not find any merit in the petition, the respondent may reject the entire exercise which may be taken by the respondent within a maximum period of 60 days indicating hereinabove.

(Anil Kumar Upadhyay, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

