

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5729 of 2015

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Taranand Roy, Son of Pt. Uchit Prasad Roy, Resident of Hospital Road, Ward
No. 29, Police Station + PO. + Distict + Toown Madhubani.

... .. Petitioner/s

Versus

1. The L.N.M.U., Kameshwar Nagar, Darbhanga through its Vice-chancellor.
2. The Registrar, L.N.M.U., Kameshwar Nagar, Darbhanga.
3. The Principal, R.K. College, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhirendra Kumar Jha, Advocate
For the Respondent/s	:	Mr. Chandra Mohan Singh, Advocate
For the LNMU	:	Mr. Upendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 27-11-2018 Heard learned Counsel for the petitioner and counsel
appearing on behalf of the State as well as University.

The petitioner superannuated on 31.12.2010 he was allowed to work as Head Clerk in R.K. College, Madhubani since 29.8.2005. The grievance of the petitioner in the instant case is that at the relevant time the Principal of the college has sent the case of the petitioner for grant of promotion but Statutory Promotion Committee never considered the case of the petitioner as a result of their inaction petitioner superannuate without availing benefits. He referred to the case of other employees whose case were considered with retrospective effect. He submits that for the default of the respondents in not deciding the case of the petitioner for promotion and denied the



petitioner's promotion.

Considering the facts, the Court does not find any positive material to arrive at a conclusion that any person juniors to the petitioner was granted promotion so that any any positive direction may be issued. However, if the petitioner has worked on the post of Head Clerk for a considerable long time then he is entitled to grant of allowances in terms of Rule 103 of the Bihar Service Code as petitioner has discharged the responsibility of higher post of Head Clerk.

Accordingly, the writ petition is disposed of with a direction to the respondents to consider the case of the petitioner for grant of officiating allowances in terms of Rule 103 of the Bihar Service Code and pass appropriate order considering the fact that petitioner superannuated in the year 2010, decision may be taken at the earliest preferably within a period of four months from the date of receipt/ production of a copy of this order.

With the aforesaid the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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