

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1674 of 2015

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Asharfi Mandal Son of Late Jagdish Mandal, Resident of Village and P.O. - Sarauni
Kala, Police Station- Biharganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department,
New Sachivalaya, Patna.
2. The Director, Primary Education, Patna.
3. The Education Officer, District- Arariya.
4. The District Programme Officer, District- Arariya.
5. The Block Education Officer, Kursha Kanta, District- Arariya.
6. The District Treasury Officer, District- Arariya.
7. The H.M., Primary School Rasola, Block-Kursha Kanta, District- Arariya.
8. The Accountant General (A and E)-II, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 13-08-2018

Heard learned counsel for the petitioner; State and
Accountant General.

2. The petitioner has moved the Court for the following
reliefs:

*“That, this is an application being directed
for issuance of writ in the nature of
mandamus or any other appropriate writ
commanding the respondents authorities to
pay the petitioner 2nd time bound promotion,
payment of recommendation of sixth pay
scale and also pay the amount after maturity*



of the sold pension amount and any other relief which is entitled to the petitioner.”

3. A detailed counter affidavit has been filed on behalf of the respondents no. 3 and 4 giving reasons for denial of the claim of the petitioner on various grounds, both on facts and in terms of the policy of the State Government itself.

4. The basic stand of the respondents is that after 01.01.1986, a person has to complete 18 years of service before being granted second time bound promotion and as earlier he had already been granted First Time Bound Promotion with effect from 10.07.1983, and the petitioner having superannuated on 31.01.2002, much prior to completing 18 years period from 01.01.1986, he has been held not entitled to such relief.

5. Copy of the counter affidavit having been served on learned counsel for the petitioner on 11.08.2015 and neither rejoinder having been filed nor learned counsel for the petitioner being in a position to controvert or counter the stand taken in the counter affidavit filed by the State authorities, the Court does not find any merit in the writ petition. The stand of the respondents, on the basis of the policy of the State Government and the facts of the present case, clearly indicate that the relief claimed by the petitioner is not available to him. Further, such stand going unrebutted, there is no occasion for



any interference in the matter.

6. With regard to the other claims of the petitioner, as the same are only consequential without there being any legal issue involved, the petitioner shall be at liberty to file a detailed representation before the respondent no. 3. If the same is filed within four weeks from today, the respondent no. 3 shall look into the matter and pass a reasoned order within four weeks from the date of filing of the representation. If it transpires that the relief sought for has to be granted to the petitioner, the financial benefits thereof, be also paid to him within four weeks from the date of passing of the order.

8. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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