

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6652 of 2016

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1. Rekha Sinha, wife of Anandi Prasad Singh, Resident of Village- Dhiver, P.S.- N.T.P.C., Barh, District- Patna.
 2. Balbhadra Prasad Narayan, son of Late Hardeo Narayan Prasad Singh, Resident of Village- Langarpur, Barh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Patna Collectariate, North Gandhi Maidan, Patna-1.
3. The District Education Officer, Patna Collectorate, North Gandhi Maidan, Patna-1.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sahvind Kumar Sharma, Advocate
For the Respondent/s : Mr. Satyeshwar Prasad, AC to SC 7

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-04-2018 Heard learned counsel for the petitioners and the State.

The grievance of the petitioners in the present writ petition is non-consideration of their case for promotion and consequential relief.

Earlier the case of the petitioners was not considered in view of the ban imposed by the Department. After the judgment of this Court affirmed up to the Supreme Court, the General Administrative Department has lifted the ban and as such there is no impediment in granting promotion in terms of 1993 Rules and Rules of 2001. In fact, in para-10 of the counter affidavit statement has been made to that effect by the



respondents which is quoted below for ready reference.

“10. That it is important to mention here that earlier there was banned upon the promotion by the departmental order no. 11218 dated 12.08.2014 but recently this Hon’ble Court has quashed the said order no. 11218 dated 12.08.2014 on 15.02.2016 and in view of the aforesaid order of this Hon’ble Court, the General Administration Department, Bihar vide letter no. 4800 dated 01.04.2016 given direction to start the promotion process. Therefore, in view of the promotion Rules 1993 as well as Promotion Rules 2011, it is necessary to prepare the Gradation list and the same is under process.”

In para-10 of the counter affidavit the respondents have indicated that necessary steps for preparation of the Gradation List is under process and they may take step for considering the case of the petitioners if they come within the zone of consideration.

In view of the statements made in para-10 of the counter affidavit, the writ petition is disposed of with a direction to the respondents to complete all the formalities in order to consider and grant promotion to the petitioners within a period of sixty days from the date of receipt/production of a copy of this order and necessary order granting promotion to the petitioners, if otherwise they are entitled to be granted, within a



further period of two months from the date of decision of the respondents.

With the aforesaid, the writ petition is disposed of.

(Anil Kumar Upadhyay, J)

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