

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19003 of 2016

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1. Anant Rajak S/o Late Kuldeep Rajak resident of Bhagwanpur P.S.
Bhagwanpur, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The Regional Dy, Director of Education, Tirhut Division, Muzaffarpur.
5. The District Education Officer, Muzaffarpur, District Muzaffarpur.
6. The District Programme Officer (Establishment), Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh
For the Respondent/s : Mr. Jitendra Kumar Roy No-1 Sc13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

4 08-05-2018 Heard the learned counsel for the petitioner and counsel
appearing on behalf of the State.

The grievance of the petitioner in the writ application is that the
respondents have granted notional promotion and denied the monetary
benefit to which the petitioner was entitled.

From the statements, it appears that person junior to the
petitioner was granted promotion with all consequential benefit from
4.4.2013 whereas in the case of the petitioner who superannuated on
15.09.2015, different stand was taken by the respondent instead of
granting the consequential benefit of promotion from the date juniors
have been granted such promotion, he was granted notional promotion.

The action of the respondent in denying monetary benefit of the



promotion is illegal. The order contained in Annexure-3, vide Memo No.630 dated 13.02.2016, whereby the respondents have denied the monetary benefit notwithstanding the fact that juniors have been granted promotion with all benefits with effect from 4.4.2013 whereas petitioner who was in service up to 15.09.2015 was only granted notional promotion, such arbitrary action cannot sustain. Accordingly, Annexure-3 so far as it denies the consequential monetary benefits of promotion is concerned is quashed. The respondents are hereby directed to work out the entitlement of the petitioner for monetary benefit from the date juniors to the petitioner have been granted monetary benefit, i.e., 4.4.2013.

All the benefits including the arrears of difference of pay on promotion, revision of pension and pensionary benefit shall be paid to the petitioner within maxim period of 60 days from the date of receipt of a production of a copy of this order.

With the aforesaid, the writ application is allowed and disposed of.

(Anil Kumar Upadhyay, J)

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