

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22618 of 2013

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1. Sujindra Kumar Son Of Late Bankey Bihari Singh Resident Of Village & P.O. Lakhna, P.S. Gaurichak, District - Patna
 2. Ram Prasad Singh Yadav Son Of Late Ram Chhapit Singh Yadav Resident Of Village - Kurkuri, P.S. Paliganj, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources Development Department, Bihar, Patna
2. The Director (Administration), Human Resources Development Department, Bihar, Patna
3. The Director (Primary Education), Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Tiwari
For the Respondent/s : Mr. Manoj Kr. Ambastha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 17-09-2018 1. Heard learned counsel for the petitioners and
counsel appearing on behalf of the State.

2. Mr. Tiwari learned counsel appearing on behalf of the petitioners submits that the respondents have granted promotion to the petitioner but the respondents were required to remove those persons who were granted promotion on the strength of a degree of Sahitya Alankar in non-compliance of order passed in CWJC No. 3537 of 2015. He also referred Annexures 13 and 14 the judgment passed in LPA No. 1423 of 2015 arising out of CWJC No. 3537 of 2015. The order of LPA No. 1423 of 2015 dated 21.8.2017 contained in Annexure-14 is reproduced herein for ready reference:-



“During the pendency of this matter, the appellants have already been granted promotion and now if the appellants have any grievance with regard to seniority being granted to them vis-a-vis the persons who have obtained Sahitya Alankar degree from a non- recognized University and still continuing, the appellants may represent to the competent authority and the competent authority shall consider and decide the representation with regard to the seniority in accordance with law within three months and thereafter any grievance still subsisting, liberty shall be available to the appellants to ventilate the same afresh in accordance with law.”

3. It is manifest that the liberty was granted to the petitioner to approach competent authority if he has any grievance with regard to the seniority on account of inclusion of the persons who have obtained such promotion on the basis Sahitya Alankar degree from a non- recognized University.

4. Considering the aforesaid the Court does not find



any justification to enlarge the scope of the present writ petition since the LPA Court has already granted liberty to the petitioner of CWJC No. 3537 of 2015, the Court only grants liberty to the petitioner of this case if he is aggrieved by any decision claim similar reliefs like of the petitioners in CWJC No. 3537 of 2015, liberty shall be available to the petitioner to approach the appropriate forum like the petitioner of CWJC No. 3537 of 2015 and pursue the pending representation filed by the petitioners.

5. The writ application is disposed of with liberty and observation mentioned hereinabove.

(Anil Kumar Upadhyay, J)

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