

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19025 of 2012

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Wakil Ahmad S/O Late Maushi Mian R/O Vill-Sargar, P.S.-Siwan Muffasil,
Distt-Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Secretary, Primary Education , Govt. Of Bihar, Secretariate, Patna
2. The Director, Primary Education , Government Of Bihar, Patna
3. The District Magistrate , Gopalganj
4. The District Superintendent Of Education , Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate
Mr. Bijay Prakash Singh, Advocate
For the Respondent/s : Mr. Manish Kumar, AC to AAG 14

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 07-09-2018

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ petition is non-consideration of the case of the petitioner for grant of time bound promotion. There is no dispute that the petitioner has completed 25 years of service and became eligible for grant of 2nd time bound promotion.



In the counter affidavit stand has been taken that the Degree of Sahityalankar obtained by the petitioner is not valid and, therefore, he is not entitled to promotion to Grade III under the promotion rules. There is distinction between time bound promotion and regular promotion which has been lost sight by the respondents while filing the counter affidavit. The petitioner's claim is not for regular promotion under the promotion rules but only for a direction to the respondents to consider the case of the petitioner for grant of 2nd time bound promotion which is available to the petitioner on completion period of 25 years of service in 1988 which is before 31.12.1995.

The respondents, in the circumstances, are under obligation to examine the claim of the petitioner on completion of 25 years in terms of then prevailing time bound promotion scheme. The Court cannot approve the manner in which the respondents have dealt with the present case. The action of the respondents indicates total non-application of mind. Accordingly, the respondents are hereby directed to examine the claim of the petitioner afresh and if it is found that the petitioner has completed 25 years period of service before 31st December, 1995 they are under obligation to grant the 2nd time bound promotion and also grant the consequential benefits. The respondents are further



directed to take fresh decision on the entitlement of all the consequential benefits of time bound promotion 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)

mrl./-

AFR/NAFR	NAFR
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