

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5615 of 2016**

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Mirtunjay Diwedi S/o late Bhuneshwar Diwedi Resident of Village -  
Akhtiyarpur, Post - Chandwa, P.S. Udwanthnagar, District - Bhojpur at Arrah.  
... .. Petitioner/s

Versus

1. The State of Bihar.
  2. The Principal Secretary, Primary Education, Govt. of Bihar, Patna.
  3. The District Superintendent of Education, Bhojpur at Arrah.
  4. The District Education Officer, Bhojpur at Arrah.
  5. The Block Education Officer, Udwanthnagar, Bhojpur at Arrah.
  6. The District Programme Officer, Bhojpur at Arrah. ... .. Respondent/s
- =====

**Appearance :**

For the Petitioner/s : Mr. Rajendar Prasad Singh, Sr. Advocate  
Mr. Mukesh Kumar Singh, Advocate  
For the State : Mr. Avinash Shekhar ,Advocate AC to SC 6

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

3      02-05-2018                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

The present writ application was filed on 28.03.2016 with two advance copies of the writ petition to the office of the Accountant General. Earlier this Court has granted four weeks time to the respondents to file counter affidavit but unfortunately, even after more than two years, respondents have neither filed any counter affidavit nor the grievance of the petitioner has been redressed.

Under the aforesaid circumstances, the Court is constrained to dispose of the writ application with a direction to the respondents to consider the claim of the petitioner for grant of pay scale of IA, BA trained as also for grant of second time bond promotion or second ACP from the date the petitioner is found entitled. It appears that there is no decision of the respondents after



the judgment of the Full Bench in LPA No. 985 of 1996 where the Full Bench has directed preparation of the gradation list for grant of promotion.

The respondents are hereby directed to consider the case of the petitioner for IA, BA trained scale and also consider the case of the petitioner for time bond promotion or grant of pay scale under the Career Progression Scheme. Final decision with regard to the claim of the petitioner shall be taken by the respondents within a period of 60 days from the date of receipt/production of a copy of this order.

In case the petitioner is found entitled to any relief, which he has prayed in the present writ application, the respondents are required to provide all consequential benefits within the time frame indicated hereinabove. In case the respondents do not find the claim of the petitioner sustainable, they are required to give cogent reason for rejecting the claim of the petitioner.

With the aforesaid, the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

spandey/-

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