

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17348 of 2017

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Bachan Deo Kumar, Son of Late Aklu Prasad, Resident of Mohalla- East Bikhachak, PO- Anisabad, PS- Gardanibagh, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Director, Primary Education, Department of Education, Govt. of Bihar, Patna.
3. The District Magistrate, Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer, Patna.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 17389 of 2017

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1. Roshani Kumari, Wife of Vibhas Chandra Jha, Resident of Mouar Lane, Sultanganj, Mahendru, Patna
2. Ajay Kumar Son of Late Baikunth Nath, Resident of Village-Babhanpura, PS- Phulwarisharif, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department, of Education, Govt. of Bihar, Patna.
2. The Director, Primary Education, Department of Education, Govt. of Bihar, Patna.
3. The District Magistrate, Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer, Patna.

.... Respondent/s

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Appearance :

(In CWJC No.17348 of 2017)

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
Mr. Ashish Kr. Ranjan, Advocate

For the Respondent/s : Mr. Arvind Kumar, AC to GP23
(In CWJC No.17389 of 2017)

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
For the Respondent/s : Mr. Amit Bhushan, AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-05-2018

Heard learned counsel for the petitioners and



respondents.

2. The issue raised in both the writ applications for adjudication is whether the degree of Sahitya Alankar obtained from Hindi Vidyapeeth, Deoghar is valid for grant of promotion in view of the fact that after obtaining the degree of Sahitya Alankar, the petitioners have prosecuted their further studies and obtained Post-graduate degree.

3. The issue raised in both the writ applications is no more *res integra*. This issue was adjudicated by a Division bench of this Court in L.P.A. No. 11 of 2014 vide judgment dated 27.01.2016. Similar view was also expressed by another Division Bench of this Court in L.P.A. No. 1027 of 2014 vide judgment dated 23.02.2016.

4. Following the aforesaid judgment of the Division Bench passed in L.P.A. No. 11 of 2014 and L.P.A. No. 1027 of 2014, a Co-ordinate Bench of this Court has already issued direction on 25.01.2017 in C.W.J.C. No. 19377 of 2016.

5. Considering the aforesaid, the respondents are hereby directed to consider the case of the petitioners in the light of the judgments of the Division Bench passed in L.P.A. No. 11 of 2014 and L.P.A. No. 1027 of 2014 and take final decision considering the fact that the petitioners have obtained the degree of post-graduate, which is not in dispute that such post graduate degree has it has been



obtained from a recognized institution.

6. It is needless to state here that if the case of the petitioners is found covered by the aforesaid two judgments indicated hereinabove the petitioners would be granted the benefit from the date the juniors to the petitioners have been granted such benefit. The decision in this regard must be taken by the respondents at the earliest.

7. With the aforesaid, both the writ applications stand disposed of

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.05.2018
Transmission Date	

