

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6670 of 2016

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Nawal Kishore Rai S/o Late Deb Chandra Rai, R/o Village- Sateth, P.S.-
Nanpur, District- Sitamarhi presently posted as Revenue Karamchari in garh
sisai panchayat under Vidyapati Nagar Circle, District- Samastipur.

... .. Petitioner

Versus

1. The Secretary Department Of Revenue And Land Reforms Govt. Of Bihar
2. District Magistrate, Samastipur.
3. Additional Collector, District- Samastipur.
4. Deputy Development Commissioner, Dist- Samastipur.
5. Director, Account Administrator, Samastipur.
6. Deputy Collector, Establishment, Samastipur.
7. District Account Officer, Samastipur.
8. District Welfare Officer, Samastipur.
9. Treasury Officer, District Samastipur.
10. Office Superintendent, Collectriate, Dist- Samastipur.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Madhukar Mishra Mr. Pramod Kumar Singh Mr. Subhash Chandra Mishra
For the Respondent/s	:	Mr. Apurva Kumar AC to GA 4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-01-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.

Petitioner's Counsel submits that under the order dated 31.12.2014, rejecting the petitioner's claim for grant of benefits under the 1st ACP with effect from 1.11.1999, the authorities have failed to consider the effect of the clarification dated 10.6.1977 issued by the Government of Bihar in the Raj Bhasha Department, whereby there is no requirement for an Amin to pass Hindi Nothing and Drafting Examination. He



submits that if the said clarification is taken into consideration the petitioner would be entitled to grant of benefit with effect from the date claimed by him.

Such an issue was never raised by the petitioner before the authorities even while making his claim under his last representation dated 23.12.2015, which have been disposed of by the authorities under the impugned letter dated 31.12.2014. Since the said fact regarding clarification dated 10.6.1977 was never brought to the noticed of the District Magistrate Samastipur there was no occasion for the same to have been considered or incorporated at the time of issuing letter dated 31.12.2014, i.e. the letter impugned in the instant writ petition.

However, if the clarification of the Raj Bhasha Department is there and the petitioner is entitled to benefit on the ground of the same, then he would be required to stake his claim on the basis of the clarification dated 10.6.1977 of the Raj Bhasha Department before the District Magistrate, Samastipur. If there is no other impediment and the petitioner is covered by the said clarification, the benefits of the time bound promotion would be granted to him on completing the mandatory period required for the said benefit. While considering the petitioner's claim order of the District Magistrate dated 31.12.2015 shall not



stand in the way of granting such benefit if the same is found legally due.

The petitioner Counsel submits the petitioner will submit his detail claim before respondent No. 2 within a period of four weeks along with a copy of this order. If any such application is filed, the same be disposed of by a reasoned and speaking order within a period of eight weeks thereafter.

The writ application stands disposed of.

(Madhuresh Prasad, J.)

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