

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12829 of 2014

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Vikrama Singh Son of Late Jagarnath Singh resident of village and P.O.
Berath, P.S. Chauri Sahar , District - Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Registrar, Cooperative Societies, Bihar, Patna
3. The Joint Registrar, Cooperative Societies, Patna Division, Patna
4. The Deputy Registrar, Cooperative Societies Head Quarters , Bihar, Patna
5. The District Cooperative officer, Bhojpur, Arrah
6. The District Audit officer, Bhojpur, Arrah

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Jha
For the Respondent/s : Mr.Sc2- Nawal Kishore Singh

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-06-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Petitioner, a class IV employee was claiming promotion on class III post in light of State Government circular dated 06.12.1995 alleging that his juniors have been promoted. He approached this court in CWJC no.10129/2007. Petitioner's request which was pending before the authorities, in the meantime was rejected and same was also challenged by filing I.A. in the said writ proceeding. Reason for rejecting petitioner's claim was that circular dated 06.12.1995 had been rescinded by the committee. New provision which came into existence



required passing of departmental examination for promotion to class III post.

Since petitioner has not qualified the examination, his claim was not considered. During the pendency of the aforesaid writ proceeding State Government came out with a fresh resolution dated 31.03.2011 (Annexure 5 of writ petition). On 31.03.2011 Government introduced a provision that qualified candidates of class IV post may be promoted to class III post without appearing in any examination and on the basis of their seniority. As a result of the said resolution, this court disposed of petitioner's writ petition by order dated 30.04.2012 directing the Registrar, Co-operative Societies to reconsider the matter of promotion of the petitioner in light of subsequent resolution of the Government. The claim of the petitioner on the basis of circular dated 06.12.1995 had not been accepted or allowed by this court. Specific direction was to consider his claim for promotion in light of subsequent resolution dated 31.03.2011. The order passed in earlier writ petition was neither challenged by the petitioner nor the State Government.

In view of the aforesaid facts and discussions, claim under subsequent resolution dated 31.03.2011 was considered and on 01.04.2013 office of the Registrar, Co-operative



Societies issued an order directing promotion of the petitioner on class III post of lower division clerk in the scale band PB I (Rs 5200-20200) grade pay Rs 1900.

Counsel for the petitioner submits that same does not redress the petitioner's grievance. Having regard to the fact that juniors had been promoted earlier under effect of earlier circulars, thus order of promotion dated 01.04.2013 is discriminatory and bad in law.

From perusal of order dated 30.04.2012 passed in earlier writ proceeding arising out of CWJC no. 10129/2007 makes it clear that claim of the petitioner was to be considered on the basis of circular dated 31.03.2011. Same had been done by the respondent-authority and promotion was granted to the petitioner on 01.04.2013.

If the petitioner's claim in the instant proceedings is allowed then same would amount to granting promotion under earlier circulars as juniors to the petitioner were beneficiaries of circular even prior to circular dated 06.12.1995. Such claim of the petitioner was not allowed by this court in earlier writ proceeding which had attained finality and is binding inter parties. This court's specific direction was on the basis of subsequent resolution dated 31.03.2011 which had been



complied. This court does not find any reason to interfere with the grant of benefit to the petitioner on the basis of annexure 7 dated 01.04.2013 so as to extend the benefits from any earlier date.

Writ petition is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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