

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6106 of 2019

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Bipin Kumar Singh, aged about 55 years, Gender-Male, Son of Late Ram Padarath Singh, Resident of Village- Barki Beri, Post- Mohiuddinpur, P.S.- Patori, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Government of Bihar, Patna.
2. Principal Secretary, Home Department, Government of Bihar, Patna.
3. Inspector General (Prison), Government of Bihar, Patna.
4. Joint Secretary-cum-Director Administration (Prison), Home Department, Government of Bihar, Patna.
5. Deputy Secretary-cum-Deputy Director Administration (Prison), Home Department, Government of Bihar, Patna.
6. Jail Superintendent, Sub-Jail, Daudnagar, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Adv.

For the Respondent/s : Mr. Sheo Shankar Prasad (SC8)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 19-04-2019

The application of the petitioner for seeking exemption from passing the Hindi test for his promotion was not being acceded to in the past and, therefore, the petitioner had to approach this Court *vide* C.W.J.C. No. 2338 of 2015. A Bench of this Court *vide* order dated 09.02.2015 directed the petitioner to make a representation before the concerned authority for him to reconsider and



take a decision with respect to grant of exemption from passing the Hindi test for promotion.

2. Pursuant to the aforesaid direction, the case of the petitioner was considered in the light of the Circular issued by the General Administration Department, Govt. of Bihar, contained in Memo No. 4674 dated 15.05.1992, and on finding that the petitioner had been subjected to a departmental proceeding in which he was saddled with minor punishment, the exemption from writing and passing the Hindi test for promotion was refused.

3. Mr. Jitendra Prasad Singh, learned Advocate for the petitioner has submitted that the petitioner has approached this Court again seeking a direction to the concerned authority to consider the claim of the petitioner for exemption from passing in Hindi test afresh in the light of the Rules which have now been framed in that regard, viz., Bihar Government Servant Exemption from Passing of Departmental Examination Rules, 2018.

4. The Rules of 2018, referred to above, are in *pari materia* with the Circular of 1992; nonetheless in the



absence of any proscription with respect to a second application under the aforesaid Rules for exemption, this Court deems it appropriate to direct the petitioner to make a fresh representation before the concerned authority for seeking exemption from passing the test within a period of four weeks from the date of passing of this order, who, on receipt of such representation, shall look into the issue whether a person is entitled to make such a request for exemption for the second time, notwithstanding the framing of Rules in that regard only in the year 2018 and, thereafter, shall pass a reasoned order in accordance with law, without being unduly influenced by the fact that this petition has been entertained in this limited context in the present instance.

5. The petition is accordingly disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
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