

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12298 of 2019

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Md. Suleman Son of Lal Mohammad R/o Village-Rampur Ugan, P.S.-Baruraj,
District-Muzaffarpur, the retired Assistant Teacher, Primary School, Pana
Chapra Urdu, Anchal-Motihari, District-Muzaffarpur Petitioner/s
Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary Education Department, Government of Bihar, Patna
3. The Director Primary Education, Education Department, Government of Bihar, Patna
4. The District Education Officer Muzaffarpur, District-Muzaffarpur
5. The District Programme Officer (Establishment) Muzaffarpur, District-Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh
For the Respondent/s : Mr.J.P. Kishore

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 22-07-2019 Office objection stands overruled.

Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner joined as teacher on 24.10.1975. He
retired after 37 years of service without getting any
promotion.

Learned counsel appearing on behalf of the
petitioner submits that petitioner is entitled to grant of time
bound promotion which was available up to 31.12.1995 and
thereafter grant of promotion under the ACP rules. Time bound
promotion as well as ACP rules were formulated by the



respondents to do away stagnation if the petitioner has worked for 37 long years, he was entitled to grant of financial upgradation either under time bound promotion scheme or under the ACP which was introduced by the respondents after cessation of the time bound promotion scheme. In addition thereto, the respondents have framed promotion rules namely 1993 promotion rules which provides for financial upgradation from one grade to another grade on completion of kalawadhi and consequential monetary benefits as 1993 rules was replaced by 2011 promotion rules.

Considering the aforesaid, the writ petition is disposed of with direction to the respondents to consider the case of the petitioner for grant of benefit of other time bound promotion or ACP or promotion under 1993 promotion rules or the 2011 promotion rules.

Necessary decision granting promotion of the petitioner, if admissible in any of the scheme i.e. time bound promotion scheme, ACP scheme or scheme of promotion under 1993 or 2011 promotion rules shall be taken by the respondents within a period of sixty days from the date of receipt/production of a copy of this order and all consequential monetary benefit should be extended to the petitioner on such



decision within a further period of 30 days

With the aforesaid, the writ petition stands
disposed of.

(Anil Kumar Upadhyay, J)

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