

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17694 of 2019

Binay Kumar Singh son of Late Kailash Prasad Singh resident of Village Kusaha, P.S. Shambhuganj, District Bank at present residing at South of Bela Bagan, P.O. Dabar Bram, P.S. Deoghar, District Deoghar (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Government of Bihar, Patna.
3. The Under Secretary to the Government, Finance Department (Pay Fixation), Bihar, Patna.
4. The Director (Administration) cum Joint Secretary, Human Resources Department, Government of Bihar, Patna.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh, Advocate
For the State	:	Mr. Jai Prabhat Kishore, Advocate
For Acct. General	:	Mrs. Namrata Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 02-09-2019 Heard learned counsel for the petitioner and the State.

The grievance of the petitioner in the present writ petition is against pick and choose and discrimination in the matter of grant of promotion and consequential benefits.

Learned counsel appearing on behalf of the petitioner submits that initially the petitioner joined on 12.10.1973 and after working in different capacity the petitioner superannuated. He submits that in terms of the decision of the State Government that on crossing the age of 50 years the incumbent is entitled for exemption from passing departmental examination but the benefit of such policy decision was not



extended to the petitioner and he was not granted promotion although other similar circumstanced have been granted such benefits notwithstanding non-passing of the departmental examination. Counsel placed reliance on Annexure-8, the order dated 29.4.2011 passed by this Court in CWJC No. 6050 of 2010.

Considering the aforesaid facts and circumstances, the Court is constrained to dispose of the writ petition with direction to the Director (Administration)-cum- cum Joint Secretary, Human Resources Department, Government of Bihar, Patna to take appropriate decision with regard to the claim of the petitioner for grant of promotion after granting exemption from passing departmental examination as the petitioner has crossed 50 years of age. Necessary decision in this regard must be taken by the respondents within a maximum period of three months from the date of receipt/production of a copy of this order.

If it is found that the case of the present petitioner is similar to the petitioner of CWJC No. 6050 of 2010, similar benefits should be extended to the petitioner of this case also.

(Anil Kumar Upadhyay, J)

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