

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20042 of 2018

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Asho Yadav Son Late Fulo Yadav, Resident of Village- Mahapur Gadhi, Post Office- Barmashiya, Jhajha, District- Munger, presently working as Library Assistant D.S.M. College, Jhajha Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Higher Education, Government of Bihar, Patna.
3. The Vice Chancellor, T.M. Bhagalpur University, Bhagalpur.
4. The Registrar, T.M. Bhagalpur University, Bhagalpur.
5. The Principal, D.S.M. College, Jhajha.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar, Adv.

For the Respondent/s : Mr. Jitendra Kumar Roy 1 -Sc13

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 18-10-2022

1. Heard the parties.

2. Learned counsel appearing for the petitioner fairly states that the petitioner has attained superannuation in 2018. At the time when he file a writ petition, claimed that he should be given promotion to the post of Librarian from the post of Assistant Librarian, on which he was working since his initial appointment. It was his case that at least two promotion should be granted to a person during his lifetime. However, after 2018 as the petitioner has already retired. Learned counsel submits that he may be given consequential benefits of promotion.

3. I have considered the submission, firstly, a person

may not have any right of promotion, but still he always has a right for consideration of a promotion. The exercise of promotion has not been conducted by the respondents during the service tenure of the petitioner. After having retired, this Court would not direct the respondents to conduct an exercise of promotion with retrospective effect as there is no year-wise vacancy promotion scheme. There being only one post in the College.

4. Keeping in view thereto, no relief can be granted to the petitioner, after he attained superannuation and demitted his office, with respect to promotion. It is also informed that the petitioner has already granted benefit of pay progression on account of stagnation on one post.

5. In view thereof, this Court finds that the suitable salary benefits have already been received and the writ petition has, therefore, become otiose and is accordingly disposed of.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 13

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