

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14291 of 2021

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Binod Kumar Chaudhary Son of Ramkhelawan Chaudhary Resident of
Mohalla - Jarua, P.O. - Jarua, P.S. - Hajipur, District- Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The Director Higher Education, Education Department, Bihar, Patna.
3. The Deputy Director Higher Education, Govt. of Bihar.
4. The Director Kashi Prasad Jaiswal Research Institute, Museum Building,
Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Vijaya Laxmi Srivastwa, Adv.
For the Respondent/s : Mr. Madanjeet Kumar (Gp20)

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 22-07-2022 Heard the parties through video conferencing.

The petitioner by way of this writ petition prays for granting him promotion from Class IV to Grade III as he possessed all the requisites required criteria for the post of Grade III. It is submitted that the recommendation was also made by the Director of Kashi Prasad Jaiswal Research to the Director of Higher Education to promote the petitioner on the post of Clerk which is lying vacant. However, it is submitted that the respondents have not conducted any test for promotion.

No one has a right of promotion. The petitioner may have possessed all the qualifications for promotion, it is only

when an exercise of promotion is being conducted and the petitioner is not considered with a right can be said to have been taken away. At present, there is no cause of action arising as a right for claiming promotion would not lie.

The same is found to be mis-concieved and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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Item No. 13

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