

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.105 of 2022

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Diwesh Prasad Pathak S/o of Late Ramnath Pathak R/o of Village-Bilap, P.S.
Bihta District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secreary, Education Dept. Govt. of Bihar Patna.
2. The Principal Secretary, Education Dept. Govt. of Bihar Patna.
3. The Director, Primary, Education Dept. Govt. of Bihar Patna.
4. The Regional Deputy Director of Education, Patna.
5. The District Education officer, Patna.
6. The District Programme Officer, (Establishment), Patna.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gautam Kumar Yadav, Adv.
For the Respondent/s : Mr.Kameshwar Kumar (Gp17)

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

ORAL ORDER

2 07-03-2022 Learned counsel for the petitioner submits that although the petitioner has earlier preferred a writ petition before the Court bearing no. 14331 of 2015, claiming promotion on the basis of his qualification of Sahitya Alankar degree, the writ petition was dismissed on 19.08.2017 relied upon judgment passed by the Coordinate Bench in the case of Reeta Srivastava & Ors. Vrs. The State of Bihar & Ors.

Learned counsel for the petitioner submits



that thereafter fresh developments have been taken place and judgment passed by the Division Bench in CWJC No. 5129 of 2009, dated 18th July, 2019, this Court has taken a view that the qualification of Sahitya Alankar degree is equivalent to graduation and would be considered sufficient for the purpose of promotion.

Learned counsel for the petitioner submits that case therefore deserves to be re-examined in view of the aforesaid judgment.

I have considered the submissions, the case of the petitioner, writ petition has already dismissed way back on 19.08.2017, change of law or interpretation of law in subsequent judgments would not be a ground to again consider the case of the petitioner.

The writ petition is mis-conceived and accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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