

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5094 of 2018

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Devchandra Ram S/o late Sankar Ram Resident of Village Post - Raypur
Chore, P.S. Sheosagar, District-Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar.
3. The Principal Secretary Personnel and Administrative Reform Government of Bihar, Patna.
4. The Principal Secretary Department of Finance Government of Bihar, Patna.
5. The Additional Commissioner cum Secretary Department of Education Government of Bihar, Patna.
6. The Additional Secretary Department of Education Government of Bihar, Patna.
7. The Secretary Secondary Education Government of Bihar, Patna.
8. The Joint Secretary Department of Education, Government of Bihar, Patna.
9. The Deputy Regional Director of Education Patna Commissionery, Patna.
10. The District Magistrate Rohtas, Sasaram.
11. The District Education Officer, Rohtas, Sasaram.
12. The District Programme Officer Establishment Rohtas, Sasaram.
13. The Headmaster Nishan Singh Smarak Inter Striya School Nishan Nagar Baddi, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Navin Kumar, Adv.
For the Respondent/s : Mr.Madhaw Prasad Yadav -Gp23

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

4 25-07-2022

1. Heard the parties.

2. The petitioner by way of this writ petition has challenged the action of the respondents for not considering the promotion to the Class-III category. It has been stated by the petitioner that he had taken permission for higher education and

the said promotion was granted by the Principal of the School on 27.01.1990, whereafter he appeared in the examination and cleared the Intermediate examination with 3rd Division in the year 1992. The certificate was placed on record. However, the petitioner has been denied promotion mentioning therein that neither the certificate is present nor permission for doing Intermediate Class is on record.

3. The respondents had filed their counter affidavit and while the documents placed on record had not been denied. It is mentioned that in the meeting held, it was decided not to grant promotion to the petitioner as the petitioner did not obtained Departmental permission for enhancing the qualification for Intermediate.

4. Upon appointed query made to the learned Government counsel, this Court is satisfied that there are no rule for seeking permission for appearing in Intermediate examination for a Class-IV employee. Further, this court is satisfied that in his service book, the Principal has specifically allowed him to appear for Intermediate Examination and the petitioner has passed the Intermediate Examination.

5. In the circumstances, he has wrongly been declared ineligible by the Promotion Committee and, therefore, the action

of the respondents is held to be bad in law and is illegal.

6.The respondents are, therefore, now directed to reconsider the petitioner for promotion on Class-III post on the basis of his seniority and grant him promotion from the date and if he is otherwise found suitable, he shall be granted promotion from the date similarly placed other Class-IV employees were promoted with all consequential benefits. He shall also be entitle for claiming seniority over and above others junior persons.

7. The writ petition is allowed with no costs.

8. The implementation of the order shall be made within a period of three months.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 361

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