

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3737 of 2017

In
Civil Writ Jurisdiction Case No.23493 of 2013

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Binod Kumar Singh, Son of Chandradeo Prasad Singh, Resident of Anand Nagar Gobarsahi, P.S.- Sadar Bhagwanpur, District- Muzaffarpur, presently posted as Headmaster at Upgraded Middle School, Barmatpur Mushahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri N Ramachandrudu, Presently posted as Director, Primary Education Department Government of Bihar, Patna
3. Smt. Bimla Kumari, Presently posted as Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
4. Sri Lalan Prasad Singh, Presently posted as District Education Officer-cum-Chairman of District Education Establishment Committee, Muzaffarpur.
5. Mustafa Hussain Mansoori, Presently posted as District Programme Officer (Establishment) Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate
For the Opposite Party/s : Ms. Namrata Singh, AC to GA- 12

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-09-2023 Heard learned counsel for the parties.

2. Learned counsel for the State with reference to the statements made in the show-cause filed on behalf of opposite party no.5 submits that in deference to the order of this Court dated 02.08.2016, the claim of the petitioner for promotion to the post of Headmaster was duly considered, however, it has been found that under Rule 9 of the Promotion Rule, 2011, the promotion could be granted only with effect from the date of notification, inasmuch as the financial benefit of promotion with



retrospective effect is not admissible. It is further submitted that the aforesaid decision has also been communicated to the petitioner vide letter no.575 dated 13.02.2018. She next submits that if the petitioner has any grievance, he can assail the decision of the District Promotion Committee under the appropriate proceeding.

3. Considering the order of this Court whereby the direction was given to the District Programme Officer to consider the case of the petitioner and take necessary steps for granting the promotion from due date after taking into consideration the fact that certain persons in the panel were earlier promoted, the claim of the petitioner was duly considered by the District Promotion Committee and the final order has been passed, this Court is of the opinion that nothing survived in the contempt application. However, the petitioner is at liberty to assail the order of the District Promotion Committee, if feel aggrieved.

4. In view thereof, the present contempt application stands disposed of with the aforesaid liberty.

(Harish Kumar, J)

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