

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14240 of 2015

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Mokhtar Prasad son of Late Bhagwat Prasad, Resident of village- Tethali, P.S.
Barharia, District- Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary of Education Department, Govt. of Bihar, Patna
3. The Director of Education Department, Govt. of Bihar, Patna
4. The District Magistrate, Siwan
5. The District Education Officer, Siwan
6. The District Program Officer (Establishment), Siwan
7. The Block Education Officer, Barharia, District- Siwan
8. The Treasury Officer, Siwan
9. The Accountant General, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Harendra Prasad, Advocate Mr. Adesh Raj, Advocate
For the Respondent	:	Mr. Raghwanand, GA-11 Mr. Pratik Kumar, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 06-02-2024 1. Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
the following relief(s):-

*“(a) For issuance of an appropriate writ in the nature
of mandamus directing and commanding the
respondents to paid the dues amount of Second Time
Bound Promotion and other retrial dues to the
petitioner, which has not been paid till now even after
lapse of about 4 years as he has retired from his*



service on 30.4.2011 from the post of teacher, Middle School, Baharia (Kaneya) Circle Barharia Siwan.

(b) For the issuance of an appropriate order/direction/writ commanding the respondent authorities to take appropriate steps against the responsible persons for the malafide and arbitrary action to take the undue advantages of the post and power conferred to them as the officer.

(c) For issuance of any other relief/reliefs to which the petitioner may found entitle in the facts and circumstances of the present case.”

3. The case of the petitioner in brief is that having retired as Assistant Teacher, the petitioner is residing in his village in the District of Siwan. Inspite of having submitted representations before the District Magistrate and the Secretary, Education Department, he has not been paid the amount due of the second time bound promotion.

4. On a query by this Court as to whether the petitioner had been granted second time bound promotion and if yes, from what date, it is submitted by learned counsel for the petitioner that the petitioner has still not been granted second time bound promotion and he prays both for grant of second time bound promotion as also the consequential benefits thereof.

5. In response, learned counsel for the respondents referring to the counter affidavit filed on behalf of the District



Programme Officer (Establishment) Siwan submits that the petitioner was appointed as Assistant Teacher in April, 1979 and retired on 30.4.2011. While the notification no.940 dated 1.9.2001 of the Human Resources Development Department, Bihar, Patna granted Assured Career Progression (ACP) with effect from 1.9.2011 for teachers, the petitioner had already retired on 30.4.2011 and as such was not entitled for the same.

6. In view of the above contentions as also no prayer having been made by the petitioner for grant of second time bound promotion and specially with respect to the specific submissions made by learned counsel appearing for the respondents, the Court finds no merit in the writ application and the same is dismissed.

(Partha Sarthy, J)

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