

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17178 of 2012

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1. Satish Chandra Jha, Son Of Late Tej Narayan Jha Resident Of C/O Jawahar Rai Road No. 24, Rajiv Nagar, Police Station Rajiv Nagar, Patna - 24
 2. Mukesh Kumar Son Of Late Satya Naraya Yadav Resident Of Kurji Balu Par, Laxmi Nagar, Police Station Digha, Patna - 10
 3. Mahavir Prasad Son Of Late Sukai Ram Resident Of Village - Pipra, Police Station Ram Krishna Nagar, P.O. Manoharpur, Kachhuara, District - Patna

... .. Petitioner/s

Versus

1. Bihar School Examination Board
2. Chairman Bihar School Examination Board, Patna
3. Secretary Bihar School Examination Board, Patna
4. Departmental Promotion Committee Through Its Co-Ordinator, Bihar School Examination Board Secondary
5. Manwel Kisku S/O Paul Kisku Posted As Assistant In The Bihar School Examination Board, Patna, Bihar, Patna
6. Micheal Fransis S/O Late Luies Fransis Posted As Assistant In The Bihar School Examination Board, Patna, Bihar, Patna
7. Sudesh Kumar S/O Late Shiv Shankar Choudhary Posted As Assistant In The Bihar School Examination Board, Patna, Bihar, Patna
8. Arun Kumar Jha S/O Late Sone Lal Jha Posted As Assistant In The Bihar School Examination Board, Patna, Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Advocate
For the Respondent/s	:	Mr. Piyush Lall, Advocate
For the BSEB	:	Mr. Sunil Kumar Mandal, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 5 12-07-2024 1. The petitioners were appointed as Clerks in the Bihar School Examination Board. After their appointment, a gradation list was prepared by the Board and it was duly published. Subsequently, the Board decided to appoint Assistants from promotion from the cadre of Clerks. It is



decided that fifty percent of the cadre of Assistants shall be recruited on promotion from the Clerks.

2. The grievance of the petitioners is that their juniors were appointed as Assistants on promotion but they were not considered for promotion.

3. On behalf of the Respondents, the Law Officer, Bihar School Examination Board, has submitted a counter affidavit denying the claim of the petitioners. It is specifically pleaded by the Board that the petitioners were not promoted on the post of Assistants since they were not having requisite academic qualification of graduation or equivalent degree. It is also pleaded on behalf of the Board that as per the Notification No. 5267, dated 8th of April, 2016, issued by the General Administration Department, Government of Bihar, different degrees awarded by Hindi Vidyapeeth, Deoghar were de-recognized w.e.f. 7th of May, 2012. The petitioners having academic qualification from Hindi Vidyapeeth, Deoghar, which was de-recognized *vide* administrative Notification No. 5267, dated 8th of April, 2016 and, therefore, the petitioners were not considered for promotion.

4. The learned Advocate appearing on behalf of the petitioners, in turn, submits another Notification No. 6216,



dated 29th of June, 2006, issued by the General Administration Department, Government of Bihar, Patna, wherein there is no academic qualification prescribed for being considered as promotion.

5. The petitioners submitted their representations before the Secretary, Bihar School Examination Board, which were received on 5th of March, 2012, but the same has not been disposed of as yet.

6. Therefore, the instant writ petition stands disposed of directing the Secretary, Bihar School Examination Board, to disposed of the representations in accordance with law, taking into account the Notification No. 5267, dated 8th of April, 2016 and Notification No. 6216, dated 29th of June, 2006 and come to a specific decision as to whether the petitioners are entitled to promotion or not in accordance with law by passing a reasoned order within 90 days from the date of communication / receipt of a copy of this order.

7. The instant writ petition stands disposed of.

(Bibek Chaudhuri, J)

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