

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10212 of 2018

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Sitaram Ram S/o Moka Ram R/o Village - Aurha, P.S. - Laukahi, District - Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary, Department of Agriculture, New Secretariat, Bihar, Patna.
2. The Agriculture Production Commissioner, Department of Agriculture, New Secretariat, Bihar, Patna.
3. The Director , Department of Agriculture, New Secretariat, Bihar, Patna.
4. The Joint Director, Agriculture Patna Division, Mithapur, Patna.
5. The Joint Director Stock, Saharsa Division, Saharsa.
6. District Agriculture Officer, Supaul.
7. The Project Executive Officer, Marauna, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the State	:	Mr. Raghwanand (GA-11)
		Mr. Sanjay Kumar Tiwari (AC to GA-11)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 10-04-2025 Heard Learned Counsel for the petitioner and Learned Counsel for the State.

2. Learned Counsel for the petitioner submits that the petitioner is entitled for increments without passing the examination as he has crossed 50 years of age. Counsel submits that during pendency of the writ petition, Hon'ble Division Bench of this Court has passed order that there shall be no need for passing examination. Counsel submits that his case has not been considered at all in-spite of the fact that rule of the



petitioner is itself applicable. Counsel further submits that the petitioner is claiming his entitlement by virtue of a rule framed which is contained in Circular No.3127 dated 06.03.2018 specially framed for providing benefits to the Government employee from passing of examination.

3. Learned Counsel for the State submits that the petitioner is not entitled for the said benefits. Counsel submits that the petitioner has passed examination in Hindi Noting and Drafting in the year 2012 and corresponding to the said result, first promotion was granted to him. Counsel submits that for further promotion, he has to pass another examination which he has not passed. By virtue of passing first examination of 2012, petitioner is not entitled for further promotion.

4. After hearing the parties, it transpires to this Court that the petitioner has also claimed benefit by virtue of rule of 2018 by which Bihar Government employee has been exempted from appearing in examination. It transpires to this Court that the petitioner has already retired in the year 2016 and the employer-employee relation has ended for the petitioner in the year 2016 itself. Therefore, the rule which has been framed for exemption in 2018 shall not apply in case of the present petitioner. And hence, by virtue of Annexure-2 also, petitioner is



not entitled for the benefits.

5. This Court is of the firm view that the present matter is old and pending before this Court since 2018 and by virtue of 2018 rule, there is no entitlement for the petitioner. Therefore, on this ground, this Court hereby rejects the present writ petition with liberty granted to the petitioner that if, any judgment has come in his support, then he may file a fresh representation before the authority concerned.

(Dr. Anshuman, J)

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