

- ## Versus

- ... .... Respondents

**CORAM : HON'BLE DR. JUSTICE S.N. PATHAK**

For the Petitioner : Mr. Mahesh Tewari, Advocate  
For the Respondents : Ms. Soumya S. Pandey, AC to AAG-I

2. The petitioners have approached this Court with a prayer for a direction upon the respondent-State to promote them on the post of Assistant Section Officer with effect from 27.8.2015 and to the post of Section Officer with effect from 27.8.2023.

3. Learned counsel appearing for the petitioners submits that the petitioners have been denied promotion mainly on the ground that they have obtained ‘Sahitya Alankar’ (equivalent to Graduation) degree from Hindi Vidyapith, Deoghar. However, he submits that the issue fell for consideration before this Court in the case of W.P.(C) No. 3115 of 2015 with analogous matters, wherein the Division Bench has held that the decision of not providing validity to the degree issued by the Hindi Vidyapith, Deoghar with effect from 26.6.2014 (communication to which was made on 26.2.2015) cannot be allowed to make it effective from 26.6.2014, and the degrees issued by Hindi Vidyapith, Deoghar, are held to be valid up-to 26.02.2015. Therefore, learned counsel submits that denying the legitimate promotions to the petitioner are not tenable in the eyes of law, inasmuch as, the petitioners have obtained the degree of Graduation much prior to 26.02.2015. Learned counsel further submits that even similarly situated persons have been granted promotion, but the case of the

petitioners have been denied.

4. Per contra, counter affidavit has been filed. However, learned counsel for the respondents submits that since the issue involved in the present writ petition has already been set at rest by the Division Bench of this Court in W.P.(C) No. 3115 of 2015, it remains nothing new to bring on record before this Court.

5. Having heard the learned counsel for the parties and having gone through the records, this Court is of the considered view that since the issue fell consideration has already been decided by the Division Bench of this Court in W.P.(C) No. 3115 of 2015, nothing remains to be decided in the present writ petition, except to direct the respondents to consider it in accordance with law.

6 I, therefore, direct the petitioners to file a fresh representation along with copy of this order and other documents on which they are relying upon before the respondent concerned within a period of four weeks. On receipt of the same, the respondent concerned shall consider it and pass a reasoned order thereon taking into account the judgment passed in the case of W.P.(C) No. 3115 of 2015, also considering the fact that the similarly situated persons have been granted promotion, within a period of eight weeks thereafter.

7 Needless to say that if it is found that the petitioners were entitled for grant of promotion, a formal order to that effect shall be passed within a further period of three weeks. If the case of petitioners is turned down for one or other reasons, the same be communicated to her, within the said period.

8. With the aforesaid directions, this writ petition stands disposed of.

**(Dr. S. N. Pathak, J.)**

R.Kr