

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22082 of 2014

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1. Nand Kishor Prasad S/o Late Shri Ganauri Prasad At - Khedubigha, P.O. - Att,
P.S. - Prakhand-Ben, Dist. - Nalanda (Biharsharif), At present working as Assistant
Teacher in Primary School, Beldaria Prakhand Ben, Dist. - Nalanda (Biharsharif).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The Regional Deputy Director of Education, Patna.
5. The District Education Officer, Nalanda (Biharsharif).
6. The District Programme Officer (Establishment) Nalanda (Biharsharif).
7. Mahesh Chandra Sharan, Assistant Teacher, Middle School, Deep Nagar,
Biharsharif, Nalanda.
8. Nageshwar Prasad, Assistant Teacher, Utkramit Middle School, Gareria Bigha,
Ben Biharsharif, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh

For the Respondent/s: Mr. SC9- R.N. PRASAD

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 27-10-2015

State has failed to file any counter affidavit. Writ
application is of 2014. Time was also granted by the Court but with
no avail.

Stand of the petitioner is that he is entitled to Graduate
Trained Scale as an Assistant Teacher since certain persons, junior to
him, have already been extended such benefit. At a point of time,
departmental proceeding was initiated and pending but since he has
been exonerated of the charges, therefore, the same cannot come in

the way of consideration now.

It is rather unfortunate that way back on 29.2.2013 the petitioner vide Anneuxre-6 made a representation to the District Education Officer, Nalanda. More than two and half years have gone past. Neither a decision has been taken nor a response to the writ application has been filed. It does not speak well for the kind of delivery of responsibility thrust upon the State authorities.

Writ application is disposed of with a direction upon the District Education Officer, Nalanda that he must take a decision on the representation of the petitioner, contained in Annexure-6, with regard to his entitlement in accordance with law within a period of three months from the date of production of a copy of this order.

The time-frame must be adhered to otherwise the respondents will be hauled up for defiance.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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