

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1255 of 2013

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Kishore Kumar Son Of Late Keshari Narayana Maheta Resident Of Village
- Kawadpur, P.S. Suryagarha, District – Lakhisarai Petitioner

with
Civil Writ Jurisdiction Case No.20202 of 2013

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Sharda Nand Sharma S/O Late Ramdin Sharma Resident Of Village
Shekhapura, P.S. Naubatpur, District- Patna

.... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, New Secretariat, Patna
3. The Director, Primary Education, New Secretariat, Education
Department, Patna Respondent/s

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Appearance :

(In CWJC No.1255 of 2013)

For the Petitioner/s : Mr. Pratap Sharma, Advocate

For the Respondent/s : Mr. Girija Shankar Pd Gp1

(In CWJC No.20202 of 2013)

For the Petitioner/s : Mr. Pratap Sharma, Advocate

For the Respondent/s : Mr. NK Singh, SC 2 and
Mr. Kamlesh Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

18 04-12-2015 Petitioners were appointed as assistant teachers in Government Basic School in Lower Subordinate Education Service (LSES) cadre in 1991. They seek promotion in the Subordinate Education Service (SES) Cadre as according to the rules in this regard, 50% of such posts are to be filled up on promotion from LSES cadre. This Court need not go into the details of the rival cases of the parties in view of supplementary counter affidavit filed on behalf of respondents, particularly order dated 20.11.2015, issued by the Directorate, Primary

Education, contained in Annexure A to the suppl. counter affidavit. By the aforesaid order petitioners have been promoted in the SES cadre with stipulation that financial benefits would be admissible to them only from the date of their joining on the post.

Petitioners have made two grievances. The first grievance is that they should have been granted promotion to the SES cadre from the date of recommendation. Secondly, the order does not give any indication with respect to their posting in the promoted cadre.

Having regard to the facts of the case, the respondents, particularly respondent no. 3 is directed to issue appropriate order with respect to posting of petitioners within two weeks from the date of receipt of a copy of this order. So far as other grievance of the petitioners that they should have been given promotion from the date of recommendation, they would be at liberty to file representations which would be considered on its own merit within a period of three months from the date of representation.

Both the writ petitions are thus disposed of.

(Samarendra Pratap Singh, J)

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