

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11056 of 2015

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1. Alakh Niranjana, aged about 47 years, S/o Sachchidanand Prasad, At Rasalpur, P.O.- Jagay, P.S.- Aungari, District- Nalanda (Biharsharif).
  2. Pramod Kumar aged about 43 years, S/o Shri Raghunandan Prasad, R/o At- Lodipur, P.O.- Khushalpur, P.S.- Telhara, District- Nalanda (Biharsharif).
  3. Manoj Kumar Aged about 44 years, S/o sitarm Prasad, At+P.O.- Keshopur, P.O.- Hilsa, District- Nalanda (Biharsharif).
  4. Shishir Kumar Sinha aged about 46 years, S/o Shri Birendra Kumar Sinha, R/o At- Biharsharif, Mohalla- Bhalsashur, P.O+P.S.- Biharsharif, District- Nalanda (Biharsharif).
  5. Satendra Kumar aged about 47 years, S/o- Late Ram Prasad Singh, At- Kajibigha, P.O.- Rasisa, P.S.- Islampur, District- Nalanda (Biharsharif).
  6. Ajeet Kumar aged about 50 years, S/o Late Rameshwar Gramin, At + P.O.- Salehpur, P.S.- Telhara, District- Nalanda (Biharsharif).
  7. Kumari Rekha Sinha, aged about 40 years, W/o- Sanjay Kumar Singh, At+P.O.- Nischalganj, P.S.- Ekangarsarai, District- Nalanda (Biharsharif).
  8. Md. Anwar Hussain aged about 43 years, S/o- Md. Nabi Saffi, At- Nirpur, P.O.- Sagarpur, P.S.- Makhdumpur, District- Jehanabad.
  9. Satyadeo Prasad, Aged about 52 years, S/o- Late Ganesh Prasad, At- Nundipur, P.O.- Ranipur, P.S.- Aungari, District- Nalanda (Biharsharif).
  10. Md. Junaid Alam aged about 39 years S/o- Late Hamid Ansari, Mohalla- Malahbigha, P.O.+P.S- Islampur, District- Nalanda (Biharsharif).

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. 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. The member of District Teachers Promotion Committee (Senior Deputy Collector, Nalanda (Biharsharif).

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rama Kant Singh  
For the Respondent/s : Mr. Vivek Prasad- GP18

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

ORAL JUDGMENT

**Date: 30-11-2015**

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**30.11.2015**

Heard learned counsel for the parties.

The petitioners have challenged Annexure-8,  
which is an order of rejection passed by the District

Education Officer, Nalanda, refusing to extend the benefit of graduate-trained-scale to these petitioners.

The reason for refusing grant of such benefit is that all these petitioners belong to general category, against the vacancies the last person given the benefit of promotion at Sr. No. 315. The serial number of these petitioners starts from Sr. No. 341 onwards. In other words, they are still many-many positions below the last man, who was extended the benefit of graduate-trained-scale.

It is also indicated in the said order that the petitioner can not pick-up upon the scheduled-caste candidate to show that somebody junior to the petitioner has been given the benefit. It is a mistaken kind of submission or plea to take for the reason that the scheduled-caste and scheduled-tribe candidates form a class of their own. These petitioners cannot compete with the same. They have to compete among the general class candidate alone.

Now, a new story sought to be introduced by the petitioners' counsel that there are vacancies and the reason for non-grant of benefit of promotion is for other reasons.

The Court does not find any material or



grievance of such kind actually prayed and the main thrust of the argument is directed against Annexure-8.

Since this Court does not find any infirmity with the decision, writ application is dismissed.

However, if further vacancies or position become available, then surely the next round of exercise will be done and all those persons, who have not come within the zone of consideration, will surely get the benefit of promotion in accordance with law.

Writ application is, otherwise, dismissed.

**(Ajay Kumar Tripathi, J.)**

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