

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17359 of 2010

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1. Dinesh Paswan S/O Sri Sukdeo Paswan R/O Vill Bathanaha, P.O.Tetrahi,
P.S.Jankinagar, Distt-Purnea

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education Government Of Bihar, Patna
3. The District Magistrate Purnea
4. The Deputy Development Commissioner Purnea, Distt-Purnea
5. The Regional Deputy Director Purnea Division, Purnea
6. The District Superintendent Of Education Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Respondent/s : Mr. (Sc3)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

6 08-01-2015

Heard.

The petitioner who is the Assistant Teacher in the Government school has filed the present writ application seeking a direction upon the respondents to consider his case for grant of B.A. trained scale.

A counter affidavit has been filed on behalf of the respondent no. 5.

Mr. Ashok Kumar Choudhary learned AAG-13 on the basis of the statement made in the counter affidavit has submitted that the petitioner had made a request for his transfer from one district to another i.e. from Araria to Purnea. The request



made by the petitioner and recommended by the Principal of the concerned school has been enclosed as Annexure-R/3. Clause -9 of the said request application specifically contemplates that in case of such request transfer his seniority in the transferred district shall be fixed from the date of positing in that district. There is no rejoinder thereto. On the aforesaid facts, it has been submitted that the claim of the petitioner is wholly premature. It has not been stated that the in the District of Purnea the petitioner has been placed high enough in the gradation list bringing him within the zone of consideration for grant of such promotion/scale of pay.

Having considered the submissions, I am satisfied that the present application is wholly premature. On the basis of pleadings on record no relief can be granted to the petitioner.

The application is dismissed.

(Kishore Kumar Mandal, J)

Shyam/-

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