

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3536 of 2014

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Sudhir Chandra Jha S/O Late Shankar Jha R/O Village - Sugia Katsari, Post - Perdesia, P.S. and District - Sheohar At Present Posted As Assistant Teacher, Graduate Trained, In The Government Middle School, Babhantoli Sheohar, Ward No.1, Block - Sheohar, Distt. - Sheohar

.... Petitioner

Versus

1. The State of Bihar through The Principal Secretary, Department Of Secondary, Primary And Adult Education, Government Of Bihar, Patna
2. The Director, Primary Education, Government Of Bihar, Patna.
3. The Joint Secretary, Education Department, New Secretariat, Government Of Bihar, Patna
4. The District Magistrate, Sheohar
5. The Regional Deputy Director Of Education, Trihut Division, Muzaffarpur
6. The District Education Officer, Sheohar, Distt. - Sheohar
7. The District Programme Officer (Establishment), Sheohar
8. Sri Surendra Prasad Singh S/O Not Known, Superannuated From The Post Of Head Master While Working In M.S. Dumari, Block - Dumari Katsari, Distt. - Sheohar
9. Md. Kamaruddin S/O Not Known, At Present Working As Head Master, In M.S. Amba Ojha Tola, Block - Piprahi, Distt. - Sheohar
10. Sri Suresh Thakur S/O Not Known, At Present Working As Head Master, In M.S. Dostiyan, Block - Purnahia, Distt. - Sheohar
11. Sri Kumar Upendra Singh S/O Not Known, At Present Working As Head Master, In M.S. Narwara, Block - Tariyani, Distt. - Sheohar
12. Md. Ahmad Hussain S/O Not Known, At Present Working As Head Master, In M.S. Chiknauta, Block - Sheohar, Distt. - Sheohar
13. Sri Satrudhan Prasad Singh S/O Not Known, At Present Working As Head Master, In M.S. Pojhiyan, Block - Tariyani, Distt. - Sheohar
14. Sri Gauri Shankar Ram S/O Not Known, At Present Working As Head Master, In M.S. Gangadrampur, Block - Tariyani, Distt. - Sheohar.
15. Smt. Kumari Sobha Sharma W/O Not Known, At Present Working As Head Master, In M.S. Khairwadarp, Block - Sheohar, Distt. - Sheohar
16. Sri Bimlendu Shekhar Singh S/O Not Known, At Present Working As Head Master, In M.S. Kuanma, Block - Piprahi, Distt. - Sheohar
17. Sri Vishawanath Prasad Singh S/O Not Known, At Present Working As Head Master, In M.S. Fatahpur, Block - Sheohar, Distt. - Sheohar
18. Sri Satendra Kumar Singh S/O Not Known, At Present Working As Head Master, In M.S. Sonaul Sultan - Purnahia, Block - Sheohar, Distt. - Sheohar
19. Sri Dinesh Kumar Singh S/O Not Known, At Present Working As Head Master, In M.S. Mahdeva Tariyani, Block - Sheohar, Distt. - Sheohar
20. Sri Raj Karan Singh S/O Not Known, At Present Working As Head Master, In M.S. Piprahi, Block - Piprahi, Distt. - Sheohar
21. Sri Nageshwar Sah S/O Not Known, At Present Working As Head Master, In M.S. Sundarpur Kharauna, Block - Sheohar, Distt. - Sheohar
22. Smt. Pushpa Kumari W/O Not Known, At Present Working As Head Master, In M.S. Trivuantola, Block - Piprahi, Distt. - Sheohar

23. Sri Birendra Kumar S/O Not Known, At Present Working As Head Master, In M.S. Chhatauna Gopinath, Block - Piprahahi, Distt. - Sheohar
24. Sri Bindeshwar Kumar S/O Not Known, At Present Working As Head Master, In M.S. Dumari, Block - Dumari - Katsari, Distt. - Sheohar
25. Sri Mahesh Rai S/O Not Known, At Present Working As Head Master, In M.S. Dumma, Block - Tariyani, Distt. - Sheohar
26. Sri Harendra Rai S/O Not Known, superannuated from the post of head master while posted, In M.S. Adauri, Block - Purnahia, Distt. - Sheohar

.... Respondents

Appearance :

For the Petitioner : Mr. Jai Prakash Verma, Advocate.
For the Respondent : Mr. Ga5- J.S.Barnawal

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

7 10-02-2016

A totally ill-informed and ill advised writ application has been filed by the petitioner making a grievance against grant of promotion to the private respondents on the post of headmaster. The Court has reason to observe as above after carefully perusing the assertions in the writ application as well as the two counter affidavits filed on behalf of the State and the private respondents.

Petitioner's counsel tries to paint a picture that by virtue of Annexure-3 promotions have been granted to large number of persons including the private respondents, contrary to the notification contained in Annexure-1 dated 15.10.2012. Since the petitioner did not beget the advantage of promotion or even consideration for such promotion, the writ application came to be filed.

Since chalk and cheese cannot be equated, similarly

trained teachers with post-graduate degrees who have rendered eight years of service in category -3 cannot be equated with an untrained teacher which the present petitioner was, at the time of his appointment, since he acquired training only on 20.06.2005.

The petitioner can acquire benefit of Annexure-1 and his right of consideration can only accrue to him after 31.12.2013. However, much he may try, the clock cannot be turned back for him because of lack of requisite qualification and training and he cannot be treated at par with the private respondents who are far ahead both in terms of additional qualification as well as training.

There is no infirmity in the award of promotion to the private respondents, therefore, the writ is dismissed devoid of merit.

So far as claim of the petitioner for promotion is concerned let him move the authorities afresh which will be considered in accordance with the prevalent rule in this regard.

(Ajay Kumar Tripathi, J.)

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