

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1380 of 2016

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1. Anil Kumar S/o Vishwanath Tiwary Presently posted at Madhya Vidyalaya Gochari Para, District Khagaria.
 2. Bharat Sah S/o Sri Lakshmi Sah Presently Posted at Madhya Vidyalaya Hiayadupur, Mansi, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through Dr. Dharmendra Singh Gangwar the Principal Secretary, Education Department , Government of Bihar, Patna.
2. Sri Ramchandrudu, the Director, Primary Education Department , Government of Bihar, Patna.
3. Smt. Usha Kumari, Reasonal Deputy Director of Education Munger.
4. Sri Jai Singh, the District magistrate Khagaria, District Khagaria.
5. Dr. Braj Kishore Singh, the District Education Officer, Khagaria, District Khagaria.
6. Dr. Braj Kishore Singh, President the District Elementry Schools Teachers Promotion Committee, Khagaria, District Khagaria.
7. Sri Suresh Sahu, the District Programme Officer (Est) Khagaria, District Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Nikesh
For the Respondent/s : Mr. Rabindra Nath Dubey

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 09-11-2016

Heard learned counsel for the parties.

The petitioners are all Assistant Teachers appointed on compassionate ground under Bihar Elementary School Teachers Appointment Rules, 1991 in the year 1999-2000. They were sent for their training service. They passed the examination in first attempt in the year 2005. As such, in the writ application they claimed matric trained scale w.e.f. October, 2010 or any suitable date as mentioned in the case of Chandra Kanta versus

The State of Bihar and others decided by this Court reported in 2010 (4) PLJR 732.

Finding substance in the submission of the petitioners, the respondents were directed to consider the representation of the petitioners in the light of directions of Division Bench contained in Chandra Kanta's case.

The petitioners submit that they have been given Matric Trained Scale in terms of the decision of the Division Bench. However, they have not been given promotion to the post of Head Master to which they are entitled.

In my view, the grievance of the petitioners of not being made Headmaster cannot be agitated in the contempt application, as there is no such direction in the writ petition.

The contempt proceeding is closed with liberty to the petitioners to take resort for remedy available in law.

(Samarendra Pratap Singh, J)

AnilKrSinha/-

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