

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7791 of 2016

- =====
1. Ram Krishna Mahto, S/o Gobardhan Mahto, Resident of Village- - Sherpur More, P.O. + P.S. – Warisaliganj,, District – Nawada
 2. Brijnandan Prasad, son of Ishwar Singh, resident of village- + P.O. – Pawa, P.S. – Deepnagar, District – Nalanda
 3. Kamalnayan Prasad Singh, son of Ramchandra Prasad Singh, resident of village- - Nakdoi, P.O. + P.S. – Aungari, District – Nalanda
 4. Sunil Kumar, son of Baldeo Prasad, Resident of village- + P.O. – Barara, P.S. – Noorsarai, District – Nalanda
 5. Onkar Kumar, son of Umeshar Prasad, resident of village- - Fatehpur, P.O. – Simama, P.S. – Parwalpur, District – Nalanda
 6. Mohan Paswan, son of Shri Doman Paswan, resident of village- + P.O. – Pawa, P.S. – Deepnagar, District – Nalanda
 7. Bindu Paswan, son of Karu Paswan, resident of Village- + P.O. – Mohanandpur, P.S. – Deepnagar, District – Nalanda
 8. Surendra Pandit, son of Sukhdeo Pandit, Resident of Village- - Pokharpur, P.O. – Pawapuri, P. S. – Giriyak, District – Nalanda
 9. Chandrashekhar Prasad, son of Pachu Kebat, resident of village- P.O. – Rana Bigha, P.S. – Deepnagar, District – Nalanda
 10. Ajay Kumar, son of Shri Ramjee Singh, resident of Mohalla – Bhushatta, P.O. – Biharsharif, District – Nalanda
 11. Deo Kumar, son of late Shri Paswan, resident of village- - Saidbarhi, P.O. – Jaitpur, P.S. – Chandi, District – Nalanda
 12. Jay Ram Das, son of Vijay Das, Resident of Village- - Bichali Malahi, P.O. + P.S. – Barh, District – Patna
 13. Manoj Kumar, son of Dinesh Prasad Sinha, Resident of Mohalla – Garh Par, P.O. + P.S. – Biharsharif, District – Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Government of Bihar, Patna
4. The Regional Deputy Director of Education, Patna
5. The District Education Officer, Nalanda (Biharshariff)
6. The District Programme Officer (Establishment), Nalanda (Biharshariff)
7. The Member of the Promotion Committee, Senior Deputy Collector, Biharshariff, Nalanda

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh

For the Respondent/s : Mr. Santosh Kr. Jha- GP3

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 17-08-2016

Heard learned counsels for the parties.

The writ application is required to be dismissed at the threshold, because the Court is not willing to expand the ambit and scope of the statutory rule, which is very much in vogue and in place after the 2011 Rules was notified under Article 309 of the Constitution of India.

As part of a one time concession in terms of Rule 10 of the 2011 Rules, one time relaxation has already been given to such teachers and the cut-off date was fixed as 31.12.2012. This cut-off date cannot be made variable or flexible only to accommodate more and more people, who had otherwise acquired the minimum time-frame (Kalawadhi) as well as the educational qualification to earn the next higher position and post before the cut-off date i.e. 31.12.2012. It is, however, clarified that the cut-off date for some district was fixed as 31.12.2013.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	19.8.2016
Transmission Date	