

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6257 of 2014

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Meera Pathak, Wife Of Arun Kumar Jha Resident Of Village - Basghraha,
P.O. Vasudevpur, District - Munger

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Secondary Education, Human Resources Development
Department, Bihar, Patna
3. The Directorate Of Secondary Education, Bihar, Patna
4. Director Administration, Directorate Of Secondary Education, Patna
Secretariate, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Prakash

For the Respondent/s : Mr. Roy Shivaji Nath

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR
TRIPATHI
ORAL ORDER

7 14-07-2016

Heard learned counsel for the parties.

Initially the writ application was filed by the petitioner looking for a direction for promotion to Bihar Education Service Class-II in Lower Subordinate Education. However, this line of argument and prayer was abandoned and line of least resistance was taken by taking a plea that in similar circumstances where there has been stagnation, certain Teachers, who were working in the Lower Subordinate Education Service, have been given benefit of pay-scale by the Principal Secretary of the Department and as an example Annexure-7 has been brought on record in the rejoinder application filed on behalf of the petitioner.

The Court, therefore, directed the State to revert to the

Court whether such a benefit could be extended to the petitioner.

A plea has been taken in paragraph nos. 5 and 9 of the supplementary counter affidavit that nobody junior to the petitioner has been granted this kind of benefit. There is a separate gradation list for Lower Subordinate Education Service. Petitioner's name figures at the bottom of the said gradation list. As and when her turn and occasion arises, the respondent-authorities will surely consider, extending the benefit, befitting her claim.

In view of the above, the Court cannot pass any order in favour of an individual, which will have effect of unsettling the settled seniority position, but also the position in the gradation list, as promotion must accrue in a uniform manner and not at random basis, merely because some employee has approached the High Court for such a direction.

Writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

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