

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7949 of 2013

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Triwedi Ranjeet Kumar @ Ram Chandra Tiwary S/o Late Deo Dhari Tiwari, R/o Village- Bhorha, P.S.- Shyampur Bhatta, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna
2. The Director, Primary Education, Education Department, Govt. of Bihar, New Secretariat, Patna
3. The District Education Officer, Sheohar
4. The District Program Officer (Establishment), Sheohar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kishore, Sr. Adv.
Mr. Jai Kishore Prasad

For the Respondent/s : Mr. Shakib Azaz, AC to GA-9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-05-2016

Heard the parties.

In the present case, the petitioner is claiming the benefit of graduate trained scale from 11.5.1988 which has been shifted to 10.10.2011 and also made a prayer for promotion on the post of Head Master in terms of the Bihar Nationalised Primary Teacher Promotion Rules, 2011.

As per the averment made in the writ application, the petitioner was inducted as a Trained Teacher, he was granted matric trained scale, vide Memo no. 1884 dated 10.7.1998, with effect from 4.12.1973, was granted I.Sc. trained scale with effect

from 1.4.1975 and has been given the benefit of B.A. Trained scale in the year 2011.

From the record it appears that the petitioner was made an accused in Criminal Case vide Shyampur Bhatta P.S. Case No. 31 of 1986 for offences under sections 302/148 of the Indian Penal Code, ultimately, the petitioner has been acquitted by the order of Division Bench of this Court in Criminal Appeal No. 321 of 1989 and after acquittal of the petitioner, the Government granted him promotion of B.A. trained scale, but grievance has been raised by the petitioner that he should be given B.A. Trained scale with effect from 11.5.1988 i.e. from the day his juniors have been granted the benefit of promotion. The petitioner has also filed a representation for consideration which has not been disposed of till date, has also made prayer that in view of the experience in the teaching line, he is entitled for the benefit of Head Master of the school in terms of the Promotion Rules, 2011.

The Director, Primary Education, Education Department, Government, of Bihar, New Secretariat, Patna is directed to consider the case of the petitioner and take necessary decision within a period of three months from the date of receipt/production of a copy of this order.

For convenience, the petitioner will file a detailed

representation before the Director along with the necessary document. In the event, the Director finds the petitioner is entitled to the benefit, it goes without saying that, he will pass necessary order in the matter.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	30.5.16
Transmission Date	