

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1357 of 2017

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Kumari Usha Sinha, wife of Late Brahmdeo Mahto, resident of Village-
Abgil Rampur, Tola Hussaina, P.O.- Paharpur, P.S.- Suryagarha, District-
Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education
Department, Government of Bihar, Patna.
2. The Director (Primary Education), Bihar, Patna.
3. The Regional Deputy Director of Education, Munger Division, Munger.
4. The District Education Officer, Lakhisarai.
5. Sri Arvind Kumar, son of name not known, the Asstt. Teacher, Sri Zakir
Hussain Government Basic School, Suryagarha, Lakhisarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tewari, Advocate

For the Respondent/s : Mr. Ashutosh Ranjan Pandey-Aag15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 01-12-2017 Heard Mr. Dilip Kumar Tewari, learned counsel
for the petitioner and the learned counsel for the State.

2. Mr. Tewari, learned counsel for the petitioner
has drawn the attention of the Court to the statements made in para
10 and 11 of the counter affidavit filed on behalf of respondent
no.2 to indicate that during the pendency of the writ application,
the grievance of the petitioner has been redressed.

3. The statements made in para 10 and 11 of the
counter affidavit filed on behalf of respondent no.2, are quoted
herein below for ready reference:

10. That it is relevant to mention here that
for the purposes of promotion from LSS



cadre to SES cadre, the date of appointment in matric trained scale in LSS cadre is deciding factor and from perusal of gradation list of LSS furnished by the RDDE it appeared that the petitioner was appointed in matric trained scale on 01.04.1991 whereas, the respondent no.5 was appointed in matric trained scale on 13.03.1992 and therefore vide order contained in memo no. 853 dated 22.08.2017 it has been held that the petitioner is senior to that of respondent no.5 and accordingly the office order issued by the RDDE Munger Division, Munger contained in memo no. 124 dated 31.01.2017 whereby the petitioner has been suspended and placed under departmental proceeding, has been cancelled and necessary direction has been issued to act in view of the said order and communicate accordingly.

11. That from the aforesaid facts stated hereinabove, it would be evident that in view of the order and direction of this Hon'ble Court, the answering respondent has considered the matter / representation of the petitioner after hearing all concerned wherein the petitioner has held to be senior to the respondent no.5 and necessary



direction has been issued to the RDDE
Munger Division, Munger to take necessary
steps in the matter.

4. In view of statements made in para 10 and 11 of
the counter affidavit, the writ application is disposed of as having
become infructuous.

(Anil Kumar Upadhyay, J)

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