

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.297 of 2015

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1. Chandrawati Devi, w/o Late Hiralal Prasad
2. Harishankar Prasad Son of late Hiralal Prasad
3. Shailesh Prasad Son of late Hiralal Prasad
4. Mukesh Kumar Prasad Son of late Hiralal Prasad
All Resident of Village Hulesra, P.S. Bhagwanpur Hat, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Bihar, Patna
2. The Director, Primary Education Department, Bihar, Patna
3. The Regional Deputy Director, Saran, Chapra
4. The District Education Officer (D.E.O.), Siwan, District - Siwan
5. The District Programme Officer (D.P.O.), Siwan, District - Siwan
6. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar

For the Respondent/s : AC to SC – 20

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 14-02-2017

Heard Sri Arbind Kumar, learned counsel for the
petitioners and learned AC to SC No. 20.

The present writ petition was filed by a person who retired
as Assistant Teacher with effect from 31.8.2006 from Rajkiya Primary
School Karahi Shampur, Anchal –Basantpur, district –Siwan, with a
prayer to direct the respondents to pay benefit of second time bound
promotion with interest and also for payment of suspense amount
with interest to the petitioner. During pendency of the writ petition
the petitioner left for heavenly abode as such an interlocutory



application was earlier filed for substituting legal heirs. Thereafter legal heirs have been substituted and they are contesting the present writ petition. In this case a counter affidavit has been filed on behalf of the respondent no. 5 i.e. District Programme Officer, Siwan. It has been indicated that so far petitioner's claim of suspense amount is concerned that has already been redressed and the said amount with interest has been paid. Regarding claim of grant of benefit of second time bound promotion in paragraph no. 6 statement has been made which is incorporated hereinbelow:-

“6. That it is humbly submitted that with regard to granting second time bound promotion to instant petitioner, the D.P.O. (Esb) Siwan vide letter No. 3919 dated 26.9.2016, has sought list from Add. B.E.O. of Siwan district of those teachers who are qualified for granting such promotion and after receiving such list, when a meeting of District Promotion Committee will be held then his matter is put before such committee and then if he fulfill all criteria then he will be granted promotion.”

In view of the statement made in paragraph no. 6 of the counter affidavit learned counsel for the petitioners makes a prayer for disposal of the present writ petition. The writ petition stands disposed of. The court expects that respondents may take appropriate decision in view of statement made in paragraph no. 6 of the counter



affidavit without any delay preferably within a period of three months from the date of receipt / production of a copy of this order.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16-02-2017
Transmission Date	NA

