

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.980 of 2014
IN
Civil Writ Jurisdiction Case No. 17203 of 2013**

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1. Suresh Pathak, son of Late Harivansh Pathak, Resident of Village- Pathak Bigha, P.O.+P.S.- Jamhor, District- Aurangabad
2. Umapati Mishra son of Rikhaswar Mishra Resident of Village+ P.O.+ P.S.- Rafiganj, District- Aurangabad

.... Appellants

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development Department, Government of Bihar, Patna
2. The Director, Primary Education, Government of Bihar, Patna
3. The Regional Dy. Director of Education, Magadh Division, Gaya
4. The District Magistrate, Aurangabad
5. The District Programme Officer, Establishment, Aurangabad
6. The District Education Officer, Aurangabad
7. Parimal Kumar S/o Late Kailash Prasad Sinha R/O- Village + P.O.+P.S.- Nabi Nagar, Dist.- Aurangabad
8. Alok Kumar Singh, S/o Shri Ram Chandra Singh, R/o- Village- Shri Krishna Nagar Ahri, P.O.+P.S.+Dist.- Aurangabad

.... Respondents

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Appearance :

For the Appellants : Mr. Rakesh Prabhat, Advocate
For the Respondent State: Ms. Manisha Singh, AC to GP-7

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 06-04-2017

Heard counsel for the appellant and counsel for the State.

Each and every grievance of the appellants have been dealt with individually by the learned single Judge, who examined the correctness and otherwise of the transfers and postings of such persons after having been granted B.Ed. trained pay-scale and he has allowed the things to rest at that.

The submission of learned counsel for the appellants



that the learned single Judge, despite taking note of the fact that a new rule or guideline has come into play on 19.02.2014, did not give a direction for accommodation of these appellants in terms of the said direction.

The claim of these appellants has been considered on the basis of the previous notification and the guidelines and they were found to be in order. That is the reason why the learned single Judge, while disposing of the writ application, gave a direction that in future all promotions and postings will be done in terms of the new guidelines and not the old guidelines.

What has already taken effect and had been put in place prior to 19.02.2014 is not required to be reopened because some of the appellants are looking for yet another prospective posting on the basis of a subsequent guideline, which may not be applicable to them as decision with regard to them had already been taken prior to 19.02.2014, which is found to be in order.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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