

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17554 of 2017

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Uma Kant Roy, Son of Late Bado Roy, Resident of Village- Pokharia Ghatwari, Post Office- Ghatwari, Police Station- Dharahara, District- Munger. at present posted and working as Assistant Teacher in Govt. Middle School Choabag, Block- Sadar Munger, District- Munger.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Munger Division, Patna.
5. The District Magistrate, Munger.
6. The District Education Officer, Munger.
7. The District Education Officer-cum-Chairman of Promotion Committee, Munger.
8. The District Programme Officer (Establishment), Munger.
9. The District Programme Officer-cum-Member Secretary of Promotion Committee, Munger.
10. The Block Education Officer, Munger.

.... Respondents

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Appearance :

For the Petitioner : Mr. Umesh Kumar Mishra, Advocate.
For the Respondents : Smt. Shilpa Singh, G.A. 12.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-07-2018 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The following reliefs have been sought for by the
petitioner in the present writ application.

“1. I. For issuance of an appropriate writ
in the nature of Mandamus for
commanding and directing the respondent
authorities concerned to promote the
petitioner in the scale of Headmaster as
he has requisite qualification of M.A.



through correspondence in the year 2014 from the Indian Institute of Human Rights, New Delhi, for the Session 2012-14 after due permission of the District Programme Officer (Establishment), Munger, and he in Graduate Trained Pay Scale (Science) since 13.08.2010 and his name is appearing in the provisional list and against the remarks he has already filed his objection but till date his objection has not been considered and under Rule 18 of Promotion Rule 2011, he has already filed an appeal before the Regional Deputy Director of Education, Munger, which has not been disposed of till date in favour of the petitioner.

II. For issuance of an appropriate writ in the nature of Mandamus for commanding and directing the respondent authorities concerned to promote the petitioner in the scale of Headmaster in the light of Memo No. 592 dated 10.05.2013 issued under the signature of the Director, Primary Education, Bihar, Patna, by which it has been specifically mentioned that if the junior teachers have been promoted, the senior teachers will be also entitled the same pay scale with monetary benefits with effect from the date since when the junior teachers has been given benefits.

III. For issuance of an appropriate writ in the nature of Mandamus for commanding and directing the respondent authorities concerned to promote the petitioner in the scale of Headmaster in the Government Middle School as per the Bihar Nationalized Elementary School Teachers Promotion Rules, 2011 (hereinafter referred to as the Promotion Rules, 2011) against the sanctioned and vacant post of Headmaster as the petitioner has requisite qualification of Post Graduation and as similarly situated and even juniors have been promoted in the scale of



Headmaster.”

It has been submitted by learned counsel for the petitioner that the case of the petitioner is squarely covered by the order passed by another co-ordinate Bench of this Court in C.W.J.C. No. 5109 of 2016 dated 27.03.2018. It is further submitted that the petitioner had filed representations alongwith relevant documents on 22.11.2016 and 24.12.2016 vide Annexures-8 and 9 before the District Education Officer, Munger.

The respondent no. 8, the District Programme Officer (Establishment), Munger, is directed to examine the case of the petitioner in light of the order passed in C.W.J.C. No. 5109 of 2016 dated 27.03.2018 and pass an appropriate order in accordance with law within a period of three months from the date of receipt/production of copy of this order. If any, consequential benefits for which the petitioner is entitled, the respondents will be obliged to pass an appropriate order for the same.

With the aforesaid observations and directions, the present writ application stands disposed of.

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(Sudhir Singh, J)

