

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3031 of 2017

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Bipin Kumar, S/o Late Shreekant Prasad, Resident of Village- Satbigi, P.S. Sheikhpura, District- Sheikhpura. Presently posted as Graduate Trained Teacher (Science), upgraded Middle School Hussainabad, Ariari, Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Department of Education, Government of Bihar, New Secretariat, Patna.
4. The District Magistrate, Sheikhpura.
5. The Regional Deputy Director Education, Munger.
6. The District Education Officer, Sheikhpura.
7. The District Programme Officer (Establishment), Sheikhpura.
8. The Block Education Officer, Ariari, District Sheikhpura cum the Drawing and Disbursing Officer, Middle School, Ariari, Sheikhpura.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3046 of 2017

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Ajay Kumar, S/o Amir Sharma, resident of Mohalla- Dinwar Nagar, Barbigha, P.S.- Barbigha, District- Sheikhpura, presently posted as Graduate Trained Teacher (Science) at Upgraded Middle School Khojagachhi, Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Department of Education, Government of Bihar, New Secretariat, Patna.
4. The District Magistrate, Sheikhpura.
5. The Regional Deputy Director Education, Munger.
6. The District Education Officer, Sheikhpura.
7. The District Programme Officer (Establishment), Sheikhpura.
8. The Block Education Officer, Sheikhpura, District- Sheikhpura.
9. The Principal, SKR College, Barbigha, Sheikhpura.
10. The Principal, Primary Teacher Training College, Sheikhpura.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3139 of 2017



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Kumud Kumar S/o Late Ramanuj Singh Resident of Village- Mehus, P.S. Mehus, District Sheikhpura. Presently posted as Graduate Trained Teacher (Science) at Upgraded Middle School Maniauri, Block+District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Department of Education, Government of Bihar, New Secretariat, Patna.
4. The District Magistrate, Sheikhpura.
5. The Regional Deputy Director Education, Munger.
6. The District Education Officer, Sheikhpura.
7. The District Programme Officer (Establishment), Sheikhpura.
8. The Block Education Officer, Sheikhpura, District Sheikhpura.
9. The Principal, Primary Teacher Training College, Sheikhpura.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 3031 of 2017)

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Respondent/s : Mr. SMT. BINITA SINGH- SC28

(In Civil Writ Jurisdiction Case No. 3046 of 2017)

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Respondent/s : Mr. KAMESHWAR KUMAR-GP17

(In Civil Writ Jurisdiction Case No. 3139 of 2017)

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Respondent/s : Mr. ASHUTOSH RANJAN PANDEY- AAG15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 14-03-2018

Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

2. So far as the petitioners of CWJC Nos. 3031 and 3139 of 2017 are concerned, Mr. Ashok Kumar Singh, learned senior counsel appearing on their behalf has drawn the attention of the Court to the remark column in Annexure-7 to highlight that the petitioners have been made to suffer on account of the lapses



which is attributed to the incompetence of the officers of the State. He submits that from perusal of the remark column it would be evident that the formality which was required to be completed by the officers of the State was not done and as a matter of their failure to complete the formality in the matter of updating the service book and allied, the petitioners cannot be made to suffer. Counsel for the petitioners submits that all that was done only in order to favour their blue eyed persons in the matter of posting on promotion so that they are granted choice posting and thereafter the remaining vacancy may be considered for people like petitioner.

3. Be that as it may, the court has no concern what is real reason behind keeping the promotion of the petitioners in abeyance. The court in the totality of the fact situation is of the view that the formality which was required to be done at the instance of the respondent-authority must be completed within a reasonable time and the promotional benefit to which the petitioners are entitled, must be extended to them at the earliest.

4. Considering the facts and circumstances of the cases, the court is of the considered view that the petitioners cannot be made to suffer for the failure on the part of the respondents in performing their duty. Entries in the service book is the obligation



of the respondent-authorities and the petitioner cannot be faulted for the failure of the officers of the State and as such the court is of the view that all that is required to be done is not by the petitioners but the officers of the State and for the failure of the officers of the State promotion of the petitioners which is due cannot be denied.

5. In the totality of the fact situation, the respondents are directed to complete the requirement as to entry in the service book and other allied entries which was the reason for keeping the promotion of the petitioners in abeyance.

6. It is made clear that in the event the respondents complete the formality, they are required to grant promotion to the petitioners with effect from the date junior or similarly circumstanced have been granted such promotion with all monetary benefits.

7. So far as the case of the petitioner Ajay Kumar of CWJC No. 3046 is concerned, the respondents are required to examine whether the degree obtained by the petitioner is permissible under the law or not while undertaking enquiry into the matter as it is a matter of common knowledge that many universities academic sessions are late which led to completion of academic session and passing of examination which appears to be overlapping but in fact academic sessions are different and as



such on completion of academic sessions the candidates have appeared in the examination.

8. The respondents are required to examine the relevant record and if on verification it is found that the petitioner has acquired degree validly and not simultaneously undergoing regular course. In case it is found that they have completed their academic sessions in different years necessary decision in this regard would be taken by the respondents at the earliest.

9. so far as the case of petitioner in CWJC No. 3139 of 2017 is concerned in this case also respondents are to verify the relevant record and after enquiry if it is found that the academic sessions of Teachers Training and Intermediate is different then the respondents are required to consider the case for promotion treating their degree legal and valid.

10. All the exercises in the matter of completing enquiry and formality must be completed by the respondents within a period of 60 days from the date of receipt/ production of a copy of this order.

11. In case the respondents find that there is no illegality in obtaining the degree, necessary order granting promotion shall be issued by the respondents with all consequential benefits with



effect from the date junior or similarly circumstances have been granted such promotion.

12. With the aforesaid, all the three writ petitions are disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.03.2018
Transmission Date	

