

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4812 of 2017

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Rabindra Chaudhary son of Kapildeo Chaudhary resident of village - Paroha,
P.S. - Manpur, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Human Resources Development Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Patna Division, Patna.
4. The District Magistrate, Nalanda at Biharsharif.
5. The District Education Officer, Nalanda at Biharsharif.
6. The District Programme Officer (est.) Nalanda at Biharsharif.
7. The Block Education Officer, Ashthawan, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate
For the Respondent/s : Mr. Amit Bhushan, AC to GP17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 29-03-2018 Heard learned counsel for the petitioner and the State.

Considering the totality of the fact situation, the Court deems it fit and proper to direct the respondents to consider the case of the petitioner for grant of promotion from the date his juniors have been granted such promotion on the post of Headmaster.

The respondents are also required to consider shifting the date of promotion of the petitioner in Graduate Trained Scale which was granted to his juniors from a date earlier to the date of such promotion to the petitioner ignoring his seniority.



From the materials available on record, it appears that at the relevant time the case of the petitioner was not considered in the Departmental Promotion Committee on the ground of pendency of departmental proceedings but unfortunately at that point of time the respondents have not followed sealed cover procedure in pursuance of the principles laid down in the case of **Union of India Vs K.V.Janakiraman : AIR 1991 SC 2010.**

Under the aforesaid circumstances, when the petitioner was exonerated from the charges and the departmental proceeding was dropped, the petitioner is entitled to restoration of all benefits including promotion and seniority.

Accordingly, the writ petition is allowed, with a direction to the respondent-District Programme Officer, Nalanda to re-examine the case of the petitioner and if juniors to the petitioner have been granted such benefit, from a date earlier to the grant of such promotion to the petitioner, the respondent-District Programme Officer is required to adopt corrective measures and modify the date of promotion of the petitioner in Graduate Trained Scale from the date juniors to the petitioner have been granted such benefits.

The respondents are also required to examine the



claim of the petitioner considering his seniority for grant of promotion on the post of Headmaster from the date juniors have been granted.

The entire exercise must be completed within a period of sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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