

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2562 of 2017

Prabhas Ranjan Kumar, S/o Late Shayam Shunder resident of Village Bilao Khuti, New Colony, P.S. Sheikhpura, District- Sheikhpura, Presently posted as graduate trained teacher (Science) at Upgraded Middle School Dharampur, 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 Drawing and Disbursing Officer, Middle School Araria, Sheikhpura.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3183 of 2017

Rajendra Prasad S/o Thakur Mahto Resident of Village-Purankama, P.s. Sheikhpura, District Sheikhpura, Presently Posted as Graduate Trained Teacher at Upgraded Middle School Ahiyarpur, 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 Secretary, 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 of 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 Headmaster, Upgradeb Middle School, Ahiyarpur, Sheikhpura
10. The Headmaster-Cum-Drawing & Disbursing Officer , Basanti Kanya Middle School, Sheikhpura
11. The Block Education Officer, Sikandra, District Jamui.
12. The Head Master, Middle School Bahramba, Sikandra, District Jamui.
13. The Headmaster cum Drawing and Disbursing Officer, Middle School, Bahramba, Sikandra, District Jamui.



... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3093 of 2017

Rakesh Kumar S/o late Kishori Prasad Resident of Village Badsahpur, P.S. Sheikhpura, District- Sheikhpura. Presently Posted as Graduated Trained Teacher (Science) at upgraded Middle School Daulatpur, 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 Head Master Cum Drawing and Disburing officer, Basanti Kanya Middle School, Sheikhpura.
10. The Head Master Cum Drawing and Disburing officer, Basanti Kanya Middle School, Sahebganj, Muzaffarpur.
11. The Head Master, Govt Middle School Parsoni Gulabpatti, Sahebganj, Muzaffarpur.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 2562 of 2017)

For the Petitioner/s : Mr. Anil Kumar Singh

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

(In Civil Writ Jurisdiction Case No. 3183 of 2017)

For the Petitioner/s : Mr. Anil Kumar Singh

For the Respondent/s : Mr. SMT.SHILPA SINGH-GA12

(In Civil Writ Jurisdiction Case No. 3093 of 2017)

For the Petitioner/s : Mr. Anil Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 15-03-2018

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



2. Learned counsel appearing on behalf of the petitioner has drawn the attention of the Court to the remark column in Annexure-4 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. All the exercises in the matter of completing 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.

8. In case the respondents find that petitioners are entitled to promotion on completion of formality necessary order shall be issued by the respondents with all consequential benefits with effect from the date junior or similarly circumstances have been granted such promotion.

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

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.3.2018
Transmission Date	

