

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2571 of 2017

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Narendra Kumar, Son of Late Shri Kishun Das, Resident of Village- Sohadi, P.S.- Ariari, District- Sheikhpura, Presently posted as headmaster in Upgraded Middle School Rampur (Hindi), 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, Sheikhpura cum the Drawing and Disbursing Officer, Middle School, Ariari, Sheikhpura.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Subhash Chandra Mishra, SC16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 04-04-2018

Heard learned counsel for the petitioner and respondents.

2. The grievance of the petitioner in the present writ application is non-consideration of his case for promotion on the ground of lapses of the respondents in not updating the service book.

3. In para 10 of the counter affidavit, a peculiar stand has been taken by the respondents, which is quoted herein below:

“10. That in view of submission of report by the Three Men Committee, the District



Magistrate, published the list of eligible/ ineligible teachers vide impugned notification dated 31.01.2017 as contained in Annexure 10 of the writ application under reply and it is not in dispute that there had been anomaly in verification of service of the petitioner and therefore, the Three Men Committee found the petitioner to be ineligible for promotion to the post of Head Master however, if the petitioner is aggrieved by the said decision , he has remedy to appeal before the Regional Deputy Director of Education Munger Division instead of filing of the present writ application.”

4. Since the respondents have taken stand that the remedy lies before the Regional Deputy Director of Education, Munger Division, who may be in a position to rectify the mistake and issue corrective measure.

5. In view of the stand taken by the respondents in the counter affidavit, the writ application is disposed of with a direction to the Regional Deputy Director of Education, Munger Division to see that the formal correction is to be done by the officials within a period of 60 days from the date of receipt/production of a copy of this order and after completion of the formalities necessary order granting the benefit of promotion may be extended to this petitioner with effect from the date the juniors to the petitioners have been granted such



benefit within the time frame indicated herein above.

6. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.04.2018
Transmission Date	

