

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2398 of 2017

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Bhuvaneshwar Paswan Son of Sahdeo Paswan Resident of Village-Damaili,
P.S.-Mirganj, District- Purnea at Present Assistant Teacher Upper Primary
School Mirganj, Dhamdaha, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The Joint Secretary, Human Recourse Development Department, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Purnea Division, Purnea.
5. The District-Education Officer, Purnea District-Patna
6. The District Programme Officer, (Establishment), Purnea, District-Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh
For the Respondent/s : Mr. Kameshwar Kumar-GP17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 15-03-2018 Heard learned counsel for the petitioner and the counsel
appearing on behalf of the State.

Learned counsel for the petitioner submits that the
respondents have adopting pick and choose in the matter of
granting matric trained/B.A.trained scale.

Referring to the instance of Satya Narayan Paswan,
Kuldip Paswan and Shankar Mahto, learned counsel for the
petitioner submits that the respondents have granted the benefit
to these teachers but in the case of the petitioner they are
adopting different yardstick. The respondents are required to
adopt one and same yardstick for similarly circumstanced



teachers. They are not supposed to discriminate the petitioner in case the three teachers were validly granted such promotional benefit and the case of the petitioner is similar to the three persons mentioned hereinabove, similar treatment is expected from the respondents so far as the petitioner is concerned.

In view of the above, the writ petition is disposed of with direction to the District Education Officer, Purnea who shall enquire into the matter and if it is found that the three persons named hereinabove namely, Satya Narayan Paswan, Kuldip Paswan and Shankar Mahto have been granted promotion in accordance with law and the case of the petitioner is also similar to the case of Satya Narayan Paswan, Kuldip Paswan and Shankar Mahto, similar treatment should be extended in the event they have been granted promotion contrary to the law then corrective measures may be adopted by the respondents after giving opportunity to the persons before taking any decision adverse in the matter.

The final decision in this regard must be taken within a maximum period of three months from the date of receipt/production of a copy of this order.

It is made clear that this court has not expressed any opinion on the claim of the petitioner for grant of such benefit, it



shall be obligation of the respondents to examine the record and consider the case of the petitioner for grant of promotional benefit in accordance with seniority list and the law applicable in this regard.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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