

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3118 of 2017

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Ram Shankar Prasad Singh, S/o Lallo Prasad Singh, resident of village - Lohan,
P.S. Lohan, District - Sheikhpura, Presently Posted as Graduate trained teacher
(Science) at Upgraded Middle School Koyaribigha, Barbigaha, 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 :

For the Petitioner/s : Mr. Prem Ranjan Raj, Advocate
For the Respondent/s : Mr. Arvind Kumar, Ac to GP-23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
Date: 04-04-2018

Heard learned counsel for the petitioner and State.

2. On behalf of respondent no.7, a counter affidavit
has been filed wherein the respondents have taken the following
stand:

“6. That the factual background of the case, in
nut shell is that the petitioner was appointed as
Assistant Teacher on 14.12.1995 at government
middle school, Barsa, Ariyari in the District
Sheikhpura and subsequently he was promoted
to the trained graduate science teacher on
29.06.2012 vide letter no. 793 of the District



Education Officer, Sheikhpura. Again the District Education Officer, Sheikhpura, published a gradation list vide memo no. 568 dated 12.07.2016 after approval of D.P.C on 30.06.16 and in the same list the name of the petitioner appears at S1. No. 16 without any objection in the remark column but the same gradation list was subsequently cancelled by the District Collector Sheikhpura vide memo no. 1196 dated 13.08.16 after considering the complaints filed by few members of the cadre and against the said cancellation, of gradation list, the aggrieved persons moved before the Hon'ble High court, Patna through C.W.J.C no. 14100/2016 in which some persons were also intervened through I.A. No. 7232/2016 and the same was disposed of with common judgment dated 03.10.2016 with a direction to look over the objection of the aggrieved persons and to take a final decision by latest of 31st January 2017. Accordingly three men committee was constituted by the District Collector, Sheikhpura.

7. That in compliance of the solemn order of the Hon'ble High court, Patna in CWJC No. 14100/2016, the said committee examined thoroughly the candidature of the teachers for promotion and in this course, the committee divided the cadre in 3- groups specified as (I) fit for promotion (II) having objections on certain point and required clarification (III) not fit for promotion and accordingly issued a list of powers to whom explanation is required vide



order dated 19 January 2017 with a direction to submit their explanation on or before 27 January 2017. The petitioner is the person whose name stands at S1. No. 11 on the said list and it was expected from him to submit explanation regarding the following objections as academic qualification of (a) Matric Trained Teacher is of 1988-1990 and result is of 1992 (b) Session of M.Sc. is from 1992 and registration is from 1987 pursuant to these objections, petitioner submitted his representation on 25 January 2017 clarifying therein that there is no any over lapping in their academic qualifications.

8. That it is fairly and humbly submitted that at the relevant time of earlier promotion of the petitioner a three men subcommittee was constituted who conducted counseling of the concerned teachers and verified their academic sessions. At that time in case of this petitioner, the said subcommittee verified the academic sessions as-

Matriculation-1983

Intermediate-1983-85

Graduate- 1985-87

M.A- 1990-92

Teacher's Training- 1988-90

9. That relying upon this verification of the subcommittee, the promotion committee promoted this petitioner. It is also for petitioner to mention that in the case of overlapping of academic session of any candidate, guidelines



were asked for by the committee despite there facts the list published by the District Collector Sheikhpura vide letter No. 125 dated 31.01.2017 contains the name of this petitioner appears at S1. No. 16 does not find fit for promotion as per the remarks described in the concerned columns.”

3. Notwithstanding admitting the basic facts in para 10, a peculiar stand was taken that there was provision of appeal under Rule 18 of the Bihar School Teacher Promotion Rule, 2011 and therefore, the petitioner should approach the appellate authority, namely, the Regional Deputy Director of Education.

4. In view of the aforesaid facts and circumstances indicated in the counter affidavit, the writ application is disposed of with a direction to the Regional Deputy Director of Education to consider the case of the petitioner and pass appropriate order with regard to grant of promotion to the petitioner in view of the fact admitted in para 6 to 9 of the counter affidavit, as quoted hereinabove.

5. The entire exercise must be completed by the respondents within a period of 60 days from the date of receipt/production of a copy of this order and the Regional Deputy Director of Education, Munger is under obligation to ensure payment of all consequential benefit to the petitioner with effect from the date



the juniors to the petitioner have been granted such benefit.

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	

