

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5109 of 2016

1. Bharat Lal son of Late Rudreshwari Prasad Sah Resident of Mohalla - Munshi Imam Ali Lane, Warsaliganj, P.O. - Mirjan Hat, P.S. - Mojahidpur, District - Bhagalpur.
2. Prashant Kumar son of Late Mahendra Prasad Jaiswal Resident of Village - Gandhinagar Ishaapur, P.S. - Barahat, District - Bhagalpur.
3. Vinod Kumar Verma son of Sri Ram Pratap Verma resident of Mohalla - Vikramsheela Nagar, P.O. and P.S. - Kahalgaon, District - Bhagalpur.
4. Ayush Kumar son of Sri Dhaneshwar Prasad resident of Village - Subbanagar, P.O. - Buddhuchak, P.S. Kahalgaon, District - Bhagalpur.
5. Sanjay Kumar son of Late Deo Sharan Prasad Mandal resident of Village - Sanokhar Bazar, P.O. - Sanokhar, P.S. - Sanokhar, District - Bhagalpur.
6. Mrityunjay Kumar Singh son of Upendra Prasad Rai resident of village - Akbarpur, P.O. - Lagma, P.S. - Kahalgaon, District - Bhagalpur.
7. Sanjay Kumar son of Sri Deep Narain Sah resident of Village - Shermari, P.O. - Pirpaiti, P.S. - Pirpaiti, District - Bhagalpur.
8. Indrajit Mandal son of Late Shukdeo Mandal resident of Village - Pathakdih, P.O. - Pathakdih, P.S. - Sanhaula, District - Bhagalpur.
9. Ram Priya Singh son of Sri Satya Narain Singh resident of village - Jagannathpur, P.O. - Amadanda, P.S. - Sanhaula, District - Bhagalpur.
10. Sunil Kumar Mandal son of Sri Kant Mandal resident of Village - Farka, P.O. - Farka, P.S. - Sabour, District - Bhagalpur.
11. Pradip Kumar Sah son of Ram Lakhan Sah resident of Village - K.V. Lal Road, P.O. Nathnagar, District - Bhagalpur.
12. Ashfak Alam son of Md. Abdul Kuddush New Colony Lal Kothi, Tatarpur, Bhagalpur.
13. Mamta Jha wife of Subhash Chandra Rai resident of Mohalla Surya Lok Colony, Bagbari Mirjan Hat, District - Bhagalpur.
14. Vishnudeo Pandit son of Late Shaligram Pandit resident of Mohalla - Narayan Nagar Shikshak Colony, Maheshpur, Mirjan Hat, District - Bhagalpur.
15. Shambhu Nath Shukla son of Naresh Mohan Shukla D.N. Singh Road, P.S. - Kotwali, District - Bhagalpur.
16. Umashankar Yadav son of Mitthu Prasad Yadav Shivpuri Colony, Ishakchak, District - Bhagalpur.
17. Arjun Kumar son of Late Banarsi Prasad Sah Madroja, P.S. - Kotwali, District - Bhagalpur.
18. Hemant Kumar Mishra son of Basant Kumar Mishra Barari, P.S. - Barari, District - Bhagalpur.
19. Dipti Kumari wife of Dilip Kumar Ashrivad, Anand Bag, Bhikhanapur, District - Bhagalpur.
20. Rajendra Prasad son of Late Mathura Prasad Nayachak Mirjan Hat, P.S. - Irshak Chak, District - Bhagalpur.



21. Shambhu Kumar Sah son of Shiv Narain Sah Aliganj Gangti, P.S. - Mojahdipur, District - Bhagalpur.
22. Atal Bihari Vibhuti son of Late Thakur Mandal resident of Village - Nawada (Akidatpur), P.S. Kharik, Bhagalpur.
23. Prabhas Kumar son of Parmanand Kumar Ganga Vihar Colony, P.S. - Zeero Mile, District - Bhagalpur.
24. Ranjeet Kumar Singh son of Late Basudeo Narain Singh resident of Village - Jagiya, P.O. + P.S. - Shahkund, District - Bhagalpur.
25. Vinay Kumar Poddar son of Sri Radha Kant Poddar resident of Village + P.O. - Baluachak, P.S. - Jagdishpur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Joint Secretary, Education Department, Government of Bihar, Patna.
5. The District Magistrate, Bhagalpur.
6. The Regional Deputy Director of Education, Bhagalpur.
7. The District Education Officer, Bhagalpur.
8. The District Programme Officer (Establishment), Bhagalpur
9. The District Programme Officer (Sarv Shiksha Abhiyan), Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Mr. Ga4- Ashok Priyadarshi

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 27-03-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioners have filed the present writ application for a direction to the respondents to consider the case of the petitioners for grant of graduate trained pay-scale and also to consider the case of the petitioner for promotion as Headmaster.

Learned counsel for the petitioners admits that the petitioners have been granted graduate pay-scale and present



writ application has now consideration for promotion as Headmaster.

Learned counsel for the petitioners submits that juniors to the petitioners have been granted such benefit of promotion of graduate trained scale and promoted even as Head master but the case of the petitioners was not considered appropriately. Vide order dated 11.5.2015 passed in C.W.J.C. No. 3114 of 2015 petitioners were permitted to withdraw the writ application to approach statutory appellate authority namely, Regional Deputy Director of Education.

Learned counsel for the petitioners submits that petitioners have approached the Regional Deputy Director of Education but no decision one way or the other was taken by the Regional Deputy Director of Education.

From perusal of Annexure-6 it appears that Regional Deputy Director of Education has noted the letter of the Principle Secretary of Education Department vide memo no. 1142 dated 1.9.2015 yet the case of the petitioners was not properly considered. As a result thereof, the petitioners are deprived from the benefit of consideration for promotion of Headmaster.

In view of the above, the respondents are directed to



take final decision and grant similar benefit to the petitioners if the juniors to the petitioners have been granted promotion as Headmaster, if the promotion is not granted within a period of two months from today petitioners would be entitled to all benefits from the date juniors have been granted promotion and the respondents are also required to pay interest at the rate of 9 per cent from the date juniors have been granted such promotion and monetary benefit.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

U			
---	--	--	--

