

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15324 of 2014

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Ram Krishna Jha Son of Lakhan Lal Jha Resident of Mohalla - Kamalnagar
Colony, P.O.- Mirjanhatt, P.S.- Mojahidpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principle Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Bhagalpur Division, District - Bhagalpur.
5. The District Education Officer, Bhagalpur.
6. The District Programme Officer, Bhagalpur.
7. The District Primary Teacher Promotion Committee through its Chairman.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha
For the Respondent/s : Mr. Gp10- Smt. Kumari Amrita

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-09-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The grievance of the petitioner in the present application is non -consideration of the case of the petitioner for grant of promotion in terms of the 1993, Promotion Rules.

Learned counsel for the petitioner submits that petitioner has filed representation before the respondent contained in Annexure-5, which is still pending. 1993, Promotion Rules contemplates complete scheme for grant of promotion and the respondents are required to follow the Rules strictly for the purpose of grant of promotion in accordance with



criteria laid down in the 1993, Promotion Rules. If the petitioner has acquired eligible and become entitled to promotion in terms of the 1993 rules, the respondents are under legal and moral obligation to consider the case of petitioner for grant of promotion in accordance with 1993, Rules.

It appears from the Annexure-5 that the representation was filed by the petitioner to the District Education Officer, Bhagalpur way back on 30th of October, 2013 but till date no decision was taken.

Learned counsel submit that in terms of the 1993, Rules the case of other teachers was considered and they have been granted promotion vide notification dated 17.08.2010, but in the case of petitioner, respondents have not considered the claim of the petitioner.

Under the aforesaid circumstance, the writ petition is disposed of with a direction to the respondent District Programme Officer (Establishment) Bhaglpur to examine the claim of the petitioner and take final decision in accordance with 1993, Promotion Rules within a maximum period of four months from the date of receipt/production of copy of this order. Keeping in view that juniors to the petitioners have been granted such promotion.



The respondents are required to grant all consequential benefits on grant of such promotion within time frame indicated hereinabove.

With the aforesaid the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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