

**IN THE HIGH COURT OF JUDICATURE AT
PATNA**

Civil Writ Jurisdiction Case No.12850 of 2016

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Vishwa Bandhu Virat, son of Sri Deo Narayan Yadav, resident of Village-
Jamalpur Dih, P.O. & P.S.- Jamalpur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director (Primary Education), Human Resources Development Department, Bihar, Patna.
3. The Regional Deputy Director Education, Munger.
4. The District Education Establishment Committee through its Chairman-cum-District Magistrate, District- Munger.
5. The District Education Officer, Munger, District- Munger.
6. The District Programme Officer (Establishment), Munger, District- Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Advocate
Mr. Ram Sevak Choudhary, Advocate

For the Respondent/s : Smt. Shilpa Singh- GA12
Mrs. Neetu Jha, AC to GA-12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 10-05-2018

Heard learned counsel for the petitioner and the State.

2. Grievance of the petitioner in the present writ application is that persons, who were transferred vide Annexure-,3 subsequent to the petitioner and were juniors were granted the benefit of Graduate Trained Scale with effect from 2010 and were considered for grant of promotion as Headmaster. They were in fact granted promotion as Headmaster in the year 2012, vide Annexure 7, whereas the seniority of the petitioner was ignored and petitioner was granted promotion in the year 2016.



3. Learned counsel submitted that the respondents have arbitrarily granted Graduate Trained Scale not from the due date, but with effect from 2012, whereas the juniors have been granted benefit in Graduate Trained Scale with effect from 2010 and they were granted promotion as Headmaster w.e.f. 2012.

4. The case of the petitioner was considered for grant of promotion as Headmaster in the year 2016, notwithstanding the juniors were granted such benefit w.e.f. 2012.

5. In the aforesaid circumstances, the respondents are directed to take decision on the entitlement of the petitioner for grant of Graduate Trained Scale and promotion as Headmaster, in the event, it is found that the petitioner was senior to the persons, who were granted promotion as Graduate Trained Scale in 2010 and promoted as Headmaster in 2012, the petitioner's case should be considered by the respondent and the date of promotion should be shifted and the benefit should be extended from the date the juniors to the petitioner have been granted i.e. 2010 as Graduate Trained Scale and in 2012 as headmaster. In case, it is found that the persons, who were granted promotion earlier with effect from 2010 as Graduate Trained Scale and in 2012 as Headmaster, were wrongly granted promotion the respondents may take appropriate corrective measure after opportunity of hearing to the person, who may be adversely affected.



6. In view of the above, the respondents have to either grant the benefit to the petitioner from the date others have been granted the benefit or they may rectify their mistake as the respondents cannot adopt two different yardsticks. The entire exercise in this regard must be completed within a maximum period of three months from the date of receipt/production of a copy of this order.

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

(Anil Kumar Upadhyay, J)

Uday/Deo

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2018
Transmission Date	

