

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15795 of 2014

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1. Parasnath Mishra son of late Ram Autar Mishra resident of village Banzaria, Police Station - Mohammadpur, District - Gopalganj.
 2. Deshpati Devi wife of late Ram Ekbal Pandey resident of village Saraphara, Police Station Barauli, District Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary cum Commissioner, Department of Human Resources, Government of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The District Education Establishment Committee Gopalganj, through its Chairman.
5. The Secretary cum District Programme Officer, (Establishment), Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, advocate,
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG-6,

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 07-09-2018 Heard learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

The petitioners are raising grievance that respondent have not granted promotion with consequential benefits and further Headmaster's pay scale was denied to the petitioners whereas juniors have been granted such promotion. Petitioner No. 1 retired from service whereas petitioner No.2 is widow of late Ram Ekbal Pandey, their claim in the present writ petition is that petitioner No.1 and husband of petitioner No.2 were senior to many teachers, who



have been granted promotion and granted pay scale of graduate trained and further granted the pay scale of headmaster but without any rational justification they (petitioner No.1 and husband of petitioner No.2) have been denied the benefit of such promotion.

Counter affidavit has not been filed as yet despite 4 years have passed. Under the aforesaid circumstance, the Court is constrained to dispose of the writ petition with direction to the District Programme Officer (Establishment) Gopalganj to consider the case of the petitioner No.1 and the case of the husband of petitioner No.2 and take appropriate decision with reference to their claim for grant of graduate trained pay scale as well as promotion on the post of Headmaster. Necessary decision on the entitlement of the petitioner No.1 and husband of petitioner No.2 may be taken by the respondents within a maximum period of four months from the date of receipt/ production of a copy of this order.

The respondent District Programme



Officer is also required to ensure all consequential benefits within a further period of two months.

The respondents are required to consider the claim of the petitioners and if juniors to the petitioner No.1 and husband of the petitioner No.2 were granted such benefits, similar treatment should be given to the petitioner No.1 and husband of the petitioner No.2 with all consequential benefits to the petitioner No.2 within the time frame indicated above.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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