

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18141 of 2014

1. Someshwar Prasad Singh son of Sri Ramashish Singh resident of Village & PO - Gavandra, Police Station - Chakia, District - East Champaran at present posted as Asst. Teacher, Upgraded Middle Bakhri, Kalyanpur, District - East Champaran.
2. Bhairav Nath Pandey son of late Jagdish Narayan Pandey resident of Mahavir Sthan, Near Sadar Hospital, Police Station - Motihari, District - East Champaran, at present posted as Headmaster-in-Charge, Upgraded Middle School, Chimnaura (Kanya), Sugauli, District - East Champaran.
3. Sant Kumar Jha son of Shri Vishnu Kant Jha resident of Village - Chhagraha, Police Station - Sugauli, District - East Champaran at present posted as Asst. Teacher, Upgraded Middle School, Bhela Chhapra (Banjaria), District - East Champaran.
4. Dr. Surendra Prasad Singh Son of late Hardeo Singh resident of Mohalla - Sahjanand Nagar, Police Station - Bhagwanpur, District - Muzaffarpur, at present posted as Asst. Teacher, Upgraded Middle School Rajua, Police Station & Block - Mehsi, District - East Champaran.
5. Bindeshwari Singh son of late Gauri Shankar Singh resident of Village - Kunwarpur, Post - Parashurampur, Police Station - Chakia, District - East Champaran, at present posted as Asst. Teacher, Upgraded Middle School, Ramsingh Chhatauni, Anchal - Motihari Dehat, District - East Champaran.
6. Farooque Ahmad son of Ahmad Hussain Siddiqui resident of Village - Mahuawa, Tola - Shekhauna, Police Station - Chiraiya, District - East Champaran, at present posted as Asst. Teacher, Upgraded Middle School, Rulahi Bazar, Anchal Motihari Dehat, District - East Champaran.
7. Narendra Kumar Thakur son of Shri Ram Janam Thakur resident of Village - Fulwariya, Post - Kumhrar, Police Station - Fenhara, District - East Champaran at present posted as Asst. Teacher, Upgraded Middle School, Salempur Piprakothi, East Champaran.
8. Uchit Narayan Jha son of Ram Bilas Jha resident of Village Barharwa Siwan, Post - Dhaka, Police Station - Dhaka, District - East Champaran, at present posted as Asst. Teacher, Upgraded Middle School, Basmanpur, Anchal - Motihari (Dehat), District - East Champaran.
9. Birendra Kumar Singh son of Shri Nagnarayan Singh resident of Village & PO - Chintamanpur, Police Station - Pipra, District - East Champaran, at present posted as Asst. Teacher, Upgraded Middle School (Kanya), Chakia, East Champaran.
10. Zahid Hussain son of late Ashique Hussain resident of Village - Bela, PO & Police Station - Ramgarhwa, District - East Champaran, at present posted as Asst. Teacher, Upgraded Middle School Bhagwanpur, Raksaul, East Champaran.
11. Sitaram Ray son of late Kailash Ray resident of Village & Po - Karaha, Police Station - Mehsi, District - East Champaran at present posted as Asst. Teacher, Upgraded Middle School, Kankatti, Mehsi, East Champaran.



12. Ajay Kumar Sharma son of late Ram Narayan Sharma resident of Village & PO - Jaitapur, Police Station - Palanwa, District - East Champaran at present posted as Asst. Teacher, Upgraded Middle School, Bindapur (Pipra Kothi), East Champaran.
13. Sanjay Kumar Singh son of late Surya Singh resident of Village & PO - Jihuli, Police Station - Patahi, District - East Champaran at present posted as Asst. Teacher, Upgraded Middle School, Jamuni Tola Jihuli (Patahi), District - East Champaran.
14. Gopal Prasad Shrivastav son of Shivendra Prasad Shrivastav resident of Village & PO - Sundarpatti, Police Station - Pakridayal, District - East Champaran at present posted as Asst. Teacher, Upgraded Middle School, Patora Lal Tola, East Champaran.
15. Sudhir Kumar son of late Bishwanath Prasad resident of Village - Raghopur, Police Station - Chakia, District - East Champaran at present posted as Asst. Teacher, Upgraded Middle School, Bairiya, Motihari Dehat, East Champaran.
16. Jaychandra Singh son of late Jayshaknar Singh resident of Village - Khokhra, PO & Police Station - Rajpur, District - East Champaran at present posted as Asst. Teacher, Upgraded Middle School, Bahuara Sujan (Kanya), Block - Kalyanpur, East Champaran.
17. Krishna Kumar son of Shri Satya Narayan Prasad resident of Village - Bhawanipur Jirat, Police Station - Motihari Town, District - East Champaran at present posted as Asst. Teacher, Upgraded Middle School, Bairiya, Police Station - Motihari Dehat, East Champaran.
18. Murari Prasad son of Shri Nand Lal Sah resident of Village & Police Station - Banjaria, District - East Champaran at present posted as Asst. Teacher, Upgraded Middle School Siswa, Hindi, East Champaran.
19. Rina Shrivastava Wife of Shri Santosh Kumar resident of Mohalla - Beli Saray, Police Station - Motihari Town, District - East Champaran at present posted as Asst. Teacher, Upgraded Middle School, Sugauli, East Champaran.
20. Vijay Kumar Shrivastav son of late Siyasharan Prasad resident of Village & PO - Semra Station, Police Station - Turkaulia, District - East Champaran at present posted as Asst. Teacher, Upgraded Middle School, Amwa, Banjaria, East Champaran.
21. Ejajul Haque son of late Md. Shayeed resident of Village & Po - Janerwa, Police Station - Banjaria, District - East Champaran at present posted as Asst. Teacher, Upgraded Middle School, Mohammadpur (Urdu), Banjaria, East Champaran.
22. Fakhrujjama son of Md. Ayub resident of Village & PO - Siswania, Police Station - Banjaria, District - East Champaran at present posted as Asst. Teacher, Upgraded Middle School, Mohammadpur (Urdu), Banjaria, East Champaran.
23. Nita Rani Verma Wife of Niranjan Prasad resident of Mohalla - New Chandmari, Police Station - Motihari Town, District - East Champaran, at present posted as Asst. Teacher, Upgraded Middle School, Chiknaura (Sugauli), East Champaran.



24. Shiv Shankar Thakur son of Shri Hira Lal Thakur resident of Village Ramsiriya, Police Station - Malahi, District - East Champaran at present posted as Asst. Teacher, Kataha, Motihari, East Champaran.
25. Manruddin Ansari son of late Mahmood Ansari resident of Village - Bishambharpur, Police Station - Dhaka, District - East Champaran, at present posted as Asst. Teacher, Upgraded Middle School, Chand Mohan (Boy's), Dhaka, East Champaran.
26. Ram Bharos Ray son of late Bishwanath Ray resident of Village & PO Koyla Belwa, Police Station Chakia, District - East Champaran, at present posted as Asst. Teacher, Upgraded Middle School, Kharkikuawa, East Champaran.
27. Rajmalti Kumari wife of Shri Shambhu Prasad Thakur resident of Village & PO - Gavandra, Police Station - Chakia, District - East Champaran at present posted as Asst. Teacher, Upgraded Middle Bakhri, District - East Champaran.
28. Kumari Renuka Sinha wife of Shri Surendra Singh resident of Village & PO - Gavandra, Police Station - Chakia, District - East Champaran at present posted as Asst. Teacher, Upgraded Middle School, Ganga Sirsiya (Hindi), East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Special Secretary, Education Department, Government of Bihar, Patna.
2. The Director (Primary Education), Government of Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The Regional Deputy Director of Education, Tirhut Division at Muzaffarpur.
5. The District Education Officer, East Champaran at Motihari.
6. The District Programme Officer, Accounts & Planning, East Champaran at Motihari.
7. The District Programme Officer (Establishment), East Champaran at Motihari.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Advocate
For the Respondent/s : Mr. Prabhat Ranjan Singh, AC to AAG-15

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

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

The present application is filed by the petitioner for a
direction to the respondent to consider the case of the petitioner



for grant of promotion on the post of Headmaster in accordance with the Promotion Rules.

Learned counsel appearing on behalf of the petitioners submits that there are approximately seven hundred posts available for consideration of the case of the petitioners for promotion, but respondents are sitting tight over the matter and there are allowing adhocism to continue on the present post instead of filling the vacancies on the regular basis.

On behalf of the respondents counter affidavit was filed today, although the affidavit was affirmed on 16.12.2011, wherein the stand was taken that the meeting of D.P.O was stayed by the General Administrative Department vide letter dated 12.08.2014. The said decision of the General Administrative Department is now no more impediment. This Court as well as Supreme Court has already clarified the position in this regard and after the decision of the High Court as well as the Supreme Court, General Administrative Department issued letter lifting ban of convening meeting of DPC for grant of promotion.

In view of the above position, there is no legal or other impediment in the consideration of the case of the petitioners for grant of promotion in accordance with law.



The writ petition is accordingly, disposed of with a direction to the respondents to examine the claim of the petitioners for grant of promotion and if the petitioners fulfill all the requisites condition for grant of promotion and there exists vacancy, respondents are under legal and moral obligation to ensure that the vacancies of the Headmasters in the middle schools are filled up by eligible candidates including the petitioner. Necessary decision in this regard may be taken by the respondents within a maximum period of six months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

banti/-

U			
---	--	--	--

