

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13993 of 2014

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Jainendra Kumar Son of Late Ramparikchhan Roy resident of village -
Jalalpur, P.S. Patori, District - Samastipur (Bihar) at present posted as
Assistant Teacher in Upgraded Middle School, Bhamrupur, P.O. Mohanpur,
P.S. and District - Samastipur (Bihar) Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Human Resources
Development, Department, Government of Bihar, Patna
 2. The Director, Primary Education, Government of Bihar, Patna
 3. The Regional Deputy Director of Education, Darbhanga, Bihar
 4. The Deputy Development Commissioner, Samastipur, Bihar
 5. The District Magistrate, Samastipur, Bihar
 6. The District Education officer, Samastipur, Bihar
 7. The District Programme Officer, (Establishment), Samastipur, Bihar
 8. The Block Education Officer, Samastipur, Bihar
 9. The Headmaster, Upgraded Middle School, Bhamarupur, P.O. Mohanpur, P.S.
and District - Samastipur (Bihar) Respondent/s
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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate
For the State : Mr. Arvind Kumar No. 1, SC 13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 07-09-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. The grievance of the petitioner in the present writ
petition is non-consideration of his case for grant of promotion on
the ground of non-availability of Performance Appraisal Report.

3. In the counter affidavit in para-7, the respondents
have admitted that while proceeding of promotion was finalized on
24.12.2012, such certificate was not made available and thereafter
no meeting was organized for promotion. It is further stated that
the grievance of the petitioner will be placed and considered in the
next meeting of the District Primary Teachers Promotion
Committee. The counter affidavit was filed on 14.10.2015 and we
are in 2018. This Court failed to understand the meaning of



consideration of the case of promotion in the next meeting. That meeting has not been held even after passage of nearly 3 years.

4. In the peculiar facts and circumstances, the respondents are directed to convene the meeting of the Promotion Committee within a period of one month from today and take appropriate decision in relation to the grant of promotion to the petitioner. It is to be clarified here that the respondents are under obligation to prepare the Performance Appraisal Report and for their failure the petitioner cannot be made to suffer. If no decision is taken within one month from today on the claim of the petitioner then the petitioner would be entitled to payment of entire consequential benefits from the date similarly circumstanced and juniors have been granted such benefit with interest at the rate of 9% per annum to be borne by the members of the District Primary Teachers Promotion Committee.

5. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.09.2018
Transmission Date	

