

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1768 of 2015

- =====
1. Sujata Kumari, Wife of Sashi Shekhar Bharti, resident of village and Post -
Atlakha, Via - Mangwar, District – Saharsa.
 2. Shashi Shekhar Bharti, Son of Late Birendra Ram, resident of village and Post
- Atlakha, Via - Mangwar, District – Saharsa.
 3. Shambhu Paswan, Son of Ram Akchay Lal Paswan, resident of village - Balua,
Post - Mahua Bazar, P.S. Baslahi, District – Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human
Resources Development, Government of Bihar, Patna.
2. The Director, Department of Primary Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Koshi Division, Saharsa.
4. The District Education Officer, Saharsa.
5. The District Programme Officer (Establishment), Saharsa.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-09-2018

Heard learned counsel for the petitioners and the State.

2. The petitioners have moved the Court for the
following reliefs:

*“(I) For issuance of an appropriate writ,
order or direction to the respondent State to extend
benefit of B.A. Trained Scale to the petitioners from
the date they become entitled for the same as given to
several other similarly circumstanced teachers as
also evident from the facts stated in the body of main
writ petition.*

*(II) For issuance of an appropriate writ,
order or direction to the respondent to give the scale
of Headmaster from the date they became eligible as
given to some other similarly circumstanced teachers
after allowing the first relief.*

(III) For any other relief or reliefs to which



the petitioners may be found entitled in the facts and circumstances of the case.”

3. On 20.08.2018, the Court had imposed cost of Rs. 10,000/- on the authorities for non filing of detailed counter affidavit. The same has also been deposited by them on 06.09.2018. However, learned counsel for the State submitted that the writ petition had stood dismissed on 08.02.2017 for non prosecution and later, it was restored on 10.01.2018. It was submitted that much prior to the said date, the grievance of the petitioners stood redressed by orders dated 11.04.2017 and 08.06.2017. Learned counsel further submitted that on 10.01.2018 itself the restoration of the present writ petition was irrelevant as the petitioners grievance in the present writ application had already stood redressed more than nine months prior to date of restoration of the writ petition. The said facts are not controverted by learned counsel for the petitioners.

4. Having considered the matter, the Court finds that the grievance of learned counsel for the State is correct inasmuch as, it is equally the responsibility of the petitioners to bring before the Court the up-to-date position whenever the matter is heard and the onus is not solely on the learned counsel for the respondents. The law stipulates that the person coming to Court has to disclose his facts first and then only the other side is obliged to counter or reply to the



same. A fact which was in the personal knowledge of the petitioners as they had not only been granted the promotion but also the consequential benefits much prior to the writ petition being restored and also when the Court had passed orders imposing cost on the authority on 20.08.2018. Thus, the Court finds that there are definite laches on the part of the petitioners. However, without imputing motive, the Court deems it appropriate that the amount which the authorities had to deposit in terms of the order of the Court dated 20.08.2018 be equally shared and returned by the petitioners to the authorities.

5. Accordingly, the writ petition stands disposed off with a direction to the petitioners to collectively deposit Rs. 10,000/- in favour of District Programme Officer Establishment, Saharsa (respondent no. 5) in the local treasury within two weeks from today.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

