

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23206 of 2013

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Keshav Prasad Singh, S/O Late Shijee Singh, R/O Village- Dayalganj, P.S.- Rajpur,
District- Sasaram, (Rohtas) Petitioner/s

Versus

1. The State of Bihar through the Secretary- Cum- Commissioner, H.R.D. Department, Bihar, Patna.
 2. The Director, Primary Education, Government of Bihar, Patna.
 3. The Regional Deputy Director of Education, Patna.
 4. The District Education Establishment Committee through the Collector-Cum- Rohtas (Sasaram)
 5. The District Education Officer, Rohtas (Sasaram)
 6. The District Programme Officer (Estt.), Rohtas (Sasaram)
 7. The Block Education Officer, Rajpur, Block, District- Rohtas (Sasaram)
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate
Mr. Sitaram Prasad, Advocate

For the Respondent/s : Mr. Vijay Kumar Sinha, Ac to AAG-5

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 24-09-2018

Heard learned counsel for the petitioner and State.

2. Earlier the petitioner has approached this Court in C.W.J.C. No. 11795 of 2009. The writ application was disposed of on 11.11.2009 with a direction to the respondents to consider the entitlement of the petitioner, in case, he is found entitled, the same may be granted. After the order dated 11.11.2009, the petitioner approached the District Superintendent of Education, Rohtas (Sasaram) and vide Annexure-5 in compliance of order dated 11.11.2009 passed in C.W.J.C. No. 11795 of 2009, the District Superintendent of Education, Rohtas (Sasaram) vide office order as contained in Memo no. 396 dated 04.03.2010 held out that the list of



Inter Trained Teacher for grant of promotion to Graduate Trained Scale, the name of petitioner is at serial no. 44 and in terms of 1993 Rules, the matter may be placed for approval of the District Education Establishment Committee (Appointment and Promotion), Rohtas so that the panel may be approved and thereafter further approval of the Regional Deputy Director of Education, Patna Division, Patna may be obtained, so that the concerned teachers may be granted such promotion.

3. When the respondent District Superintendent of Education, Rohtas (Sasaram) has admitted the factual position that the petitioner is at serial no.44 in the gradation list, the further follow-up order was required to be completed by the respondents under the statutory rules and failure on their part in obtaining approval of the District Education Establishment Committee (Appointment and Promotion), Rohtas or the Regional Deputy Director of Education, Patna Division, Patna may not be a ground to deny the benefit of seniority and promotion in terms of statutory rules.

4. It is to be noted here that the full Bench of this Court in the case of **Ram Nath Prasad Singh vs. The State of Bihar & Ors**, reported in **2009 (3) PLJR 384** has issued direction to the respondents to take appropriate decision for preparation of gradation list and to grant promotion in terms of 1993 Rules.



5. Considering the judgment of the Full Bench in the case of **Ram Nath Prasad Singh** (supra) and the order as contained in Annexure-5, the respondents are hereby directed to complete the formality for grant of promotion to the petitioner and all consequential benefit within a period of four months from the date of receipt/production of a copy of this order.

6. It is made clear that the respondents cannot take the plea that the petitioner has now superannuated and as such he is not entitled to benefit of grant of promotion and consequential benefit, as the respondents cannot take advantage of their own lapse in finalizing the gradation list for grant of promotion notwithstanding the direction of the Full Bench in the case of **Ram Nath Prasad Singh** (supra) and in terms of 1993 Promotion Rules.

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

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.09.2018
Transmission Date	

