

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17459 of 2013

-
1. Jagnandan Singh, Son Of Sri Ram Sabda Singh, Resident Of Village Saktinagar, P.O. Hauri, P.S. Chapra Muffasil, District Saran (Chapra)
 2. Rambhu Kumar Singh, Son Of Late Harihar Raut, Resident Of Village Kazipur, P.O. Rasulpur, P.S.- Doriganj, District Saran (Chapra)
 3. Maheshwar Prasad Rai, Son Of Late Ganesh Rai, Resident Of Village Baburbani, P.S. Sonapur, District Saran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Saran At Chapra
3. The Deputy Development Commissioner, Saran At Chapra
4. The District Education Officer, Saran At Chapra
5. The District Programme Officer, Establishment, Saran At Chapra
6. The District Superintendent Of Education, Saran

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar Singh, Advocate
		Mr. Siddharth Kumar, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar, AC to GP 23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 05-09-2018

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

The grievance of the petitioners is non-consideration of their case for grant of Graduate Trained Grade IV Scale in terms of Promotion Rules 1993. The dispute as to grant of graduate trained scale on the basis of separate list of Arts and Science Graduate or combined list of Science and Arts Graduate was finally adjudicated by Full Bench of the Patna High Court in the case of



Ram Nath Prasad vs. State of Bihar & Ors. [2009 (3) PLJR 384].

The Full Bench held out that separate gradation list for grant of graduate trained scale for Arts and Science graduates have to be prepared and after deciding the issue the Full Bench directed the concerned respondents to prepare the gradation list and to act in accordance with 1993 Promotion Rules. Counsel appearing on behalf of the petitioners submits that till date the claim of the petitioners have not been considered for grant of graduate trained scale considering the principles decided by the Full Bench of this Court in the case of ***Ram Nath Prasad*** (supra).

Since the respondents have not finally decided the claim of the petitioners, learned counsel representing the petitioners submits that legal right as to consideration accrued to the petitioners. Since the respondents have not taken any final decision in the matter and are sitting tight over the matter till now this Court may grant indulgence and issue appropriate direction. In view of the law laid down by the Full Bench of this Court in the case of ***Ram Nath Prasad*** (supra) the respondents are under obligation to prepare a gradation list and grant promotion in terms of 1993 Promotion Rules.

Having considered the contentions advanced on behalf of the petitioners it appears that the respondents have not decided



the matter till date. The respondents are hereby directed to decide the claim of the petitioners within a maximum period of three months from the date of receipt/production of a copy of this order and grant the benefit on the basis of such determination of the claim of the petitioners within further one month from the date of such order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07/09/2018
Transmission Date	N.A.

