

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10321 of 2016

- =====
1. Ram Ratan Kumar, S/o Late Jagdish Prasad Mahto, resident of Village+ P.O.-Agwani, P.S. Parbatta, District-Khagaria.
 2. Amod Kumar Jha, S/o Basundhar Jha, resident of Village + P.O. Kajhi, P.S. Banmankhi, District-Purnea &
 3. Kumari Lalita Sinha, daughter of Jageshwar Prasad Mahto, wife of Narsingh Prasad, resident of Village Ghanshyamchak, P.O. Maheshpur, P.S. Sanhaura, District-Bhagalpur, At present- resident of Sector-8, Plot No. 12 Bihar State Housing Board, Barari, P.S. Barari, District Bhagalpur.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Choudhary, Adv.
Mr. Manoj Kumar Jha

For the Respondent/s : Mr. Sc1-Madhukar Krishna Sinha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 02-08-2018

Heard the parties.

Following reliefs have been sought for in the present writ application on behalf of the petitioners:

“(a) For issuance of writ in the nature of certiorari for quashing the office order bearing Memo No. 3076 dated 01-12-2015 (Annexure-9) issued under the joint signature of the District Programme Officer (Establishment), Education Department, Bhagalpur (Respondent No. 5) and the District Education Officer, Bhagalpur (Respondent No. 4) whereby 289 teachers have been promoted on the post of Headmaster/Headmistress without following the due procedure of promotion as preparation of seniority list and issuance of impugned promotion list is without consent of the Chairman and Members of the Promotion



Committee in view of Annexure-15 and 17 of the writ application.

(b) For issuance of writ in the nature of Mandamus for commanding and directing the respondents concerned specially Respondent No. 5 not to take further step with regard to Memo No. 1302 dated 16-04-2016 (Annexure-13) issued under the signature of the District Programme Officer (Establishment), Education Department (Respondent No. 5) whereby and whereunder the Respondent No. 5 has again started procedure for preparation of seniority list for promotion on the post of Headmaster/Headmistress in middle school for which all the DDO, Bhagalpur are directed to submit the photo copy of service books, character certificates and other documents of eligible Bachelor Trained Scale Teachers by 30-04-2016.

(c) For issuance of further writ in the nature of Mandamus for commanding and directing the respondent authorities to consider the case of promotion of the petitioners on the post of Headmaster as they are eligible for promotion on the said post on the date of consideration i.e. 20-11-2015 when 289 teachers were promoted on the post of Headmaster/Headmistress on the basis of pick and choose method vide Memo No. 3076 dated 01-12-2015 however petitioners were left.

(d) For holding and declaring that petitioners are eligible for promotion on the post of Headmaster on the date of consideration i.e. 20-11-2015 as they have also completed more than one year in



Graduate Trained Scale having Post Graduate qualification.”

On behalf of the petitioners, it has been submitted that the case of the petitioners is squarely covered by the order dated 20-04-2018 passed in CWJC No. 979 of 2018.

The Regional Deputy Director of Education, Bhagalpur Division, Bhagalpur (respondent No. 3) is directed to examine the case of the petitioners in the light of the order referred above and pass an appropriate order in accordance with law within a period of three months from the date of receipt/production of copy of this order and if the petitioners are found entitled to, the reliefs sought for, the same shall be granted to them as per Rule 4 C (1) of the State Litigation Policy.

With the aforesaid observation/direction, the present writ application stands disposed of.

(Sudhir Singh, J)

A.K.V./-

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