

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21719 of 2014

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1. Bharat Ram Son of Late Sitaram Harijan Resident of village-Semra Vijay Nagar, P.S. Semra Medrol(Via-Naraipur) P.S. Semra, District-West Champaran.
 2. Ramayan Ram Son of Late Mahraj Ram Resident of village-Bhawanipur,P.S. Kursiwara, P.S. Sikta, District-West Champaran.
 3. Shio Ram Son of Late Bhagan Ram Resident of village-Kaithwalia, Post Office-Jaitia, Police Station-Chanpatia, District-West Champaran.
 4. Poonam Verma Wife of Sri Pravin Chandra Rishikesh resident of village-Chanpatia, Post OfficeChanpatia, Police Station-Chanpatia, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar,Patna.
3. The Director,Primary Education, Government of Bihar,Patna
4. The District Education Officer, west Champaran, Bettiah.
5. The District Programme Officer(Establishment),West Champaran, Bettiah.
6. The District Accounts Officer, West Champaran, Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajiv Nayan Singh
For the Respondent/s : Mr. Sc7-Mithilesh Kumar Pathak

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 07-09-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.



This writ petitioner was filed on behalf of the four petitioners, their grievance in the present writ petition is denial of promotion to the petitioner in the graduate trained scale and Headmaster.

Learned counsel for the petitioner submits that the respondents have considered the case of juniors to the petitioner and they have been granted promotion as Headmaster but the claim of the petitioners were not considered. Respondents have pleaded, that General Administrative Department has imposed ban on convening meeting of the DPC for grant of promotion and as such the case of the petitioners were not considered for grant of promotion.

Learned counsel for the petitioners submits that the ban was subsequently lifted by the General Administrative Department and thereafter the case of many others were considered by the respondent, but on account of pendency of the writ petition the case of the petitioner was considered belatedly and the petitioners were granted promotion as Headmaster from the date of notification. Now, the grievance is confined to correction in the date of grant of promotion petitioners claim that they should be granted promotion from the date juniors to the petitioners have been granted such promotion.



From the counter affidavit, it appears that the respondents at the relevant time took the plea of ban on convening the meeting but after lifting the ban the respondents have considered the case of the petitioners and granted promotion. However, there is no justification in granting promotion to petitioners from a subsequent date when the respondents have admitted their mistake and rectified the mistake by granting promotion; under the aforesaid circumstance they were under legal and moral obligation to restore the benefit of promotion from the date juniors to the petitioners have been granted promotion as Headmaster.

Accordingly, the writ petition is disposed of with a direction to the respondents to examine the claim of the petitioners and if it is found that any persons juniors to the petitioners have been granted promotion from the date anterior to grant of promotion to the petitioners the respondents have to rectify the mistake and adopt the corrective measures by granting the benefit of promotion to the petitioners by fixing the date of promotion with all consequential benefits to the petitioners from the date juniors have been granted such promotion. Necessary decision in this regard may be taken by the respondents within a maximum period of four months from



the date of receipt/production of a copy of this order. It goes without saying that respondents have to provide all consequential benefits on such correction in the date of promotion within time frame as indicated hereinabove.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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