

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1544 of 2017**

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Rama Shankar Sah son of Late Sudarshan Sah, Resident of Village-  
Kansdiara, P.S.- Doriganj, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner-cum-Secretary, Department of Human Resources, Govt. of Bihar, New Secretariat Building, Patna. null null
3. The Director, Primary Education, Govt. of Bihar, New Secretariat Building, Patna.
4. The District Magistrate, Saran.
5. The District Development Commissioner, Saran.
6. The District Education Officer, Saran.
7. The District Superintendent of Education, Saran.
8. The District Programme Officer, Establishment, Saran.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Abhay Kumar Singh  
For the Respondent/s : Mr. Jitendra Kumar Roy No-1 Sc13

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

3      14-03-2018              Heard learned counsel for the petitioner and the counsel  
appearing on behalf of the State.

Mr. Abhay Kumar Singh, learned counsel appearing on behalf of the petitioner submits that in view of the decision of the Division Bench in Rama Shankar Sah case the seniority list was prepared in terms of 1992 Rules and in the gradation list (Annexure-7) petitioner figures at sl. no.27 whereas one Sangita Sharma figures at sl. no. 26. The matter was earlier examined by the Single Judge and the Division Bench for grant of promotion from the date of entitlement of the petitioner.

After the LPA court decision in LPA No. 827 of



2012 dated 18.1.2013 the matter was examined so far as Sangita Sharma is concerned in C.W.J.C. No. 21343 of 2012 and vide order dated 22.3.2013 a direction was issued to the respondents to examine the claim of the petitioner and the Director, Primary Education was directed to pass appropriate order on the representation filled by Sangita Sharma and pursuant to the same, benefit was granted to Sangita Sharma by the Director, Primary Education vide memo no. 376 dated 10.6.2013.

Counsel for the petitioner submits that the case of the petitioner is similar to that of Sangita Sharma and in the case of Sangita Sharma they have granted the benefit and different attitude was adopted so far as the petitioner is concerned he was compelled to approach this court in C.W.J.C. No. 22644 of 2013 and in his case a direction was issued by a coordinate Bench of this court dated 6.1.2015 to the petitioner to file application before the District Programme Officer (Establishment), Saran at Chapra to consider the case of the petitioner and pass appropriate order. However, similarly circumstanced Sangita Sharma was granted benefit of promotion but in the case of the petitioner a different stand was taken as to non-availability of certain documents including the order passed by the LPA court and the Writ Court.



Considering the totality of facts situation, the court does not find any justification the order contained in Annexure19 which was passed to comply the direction of this court Annexure-19 is not in letter and spirit compliance of the order passed by this court and as such cannot sustain and is accordingly quashed.

In the facts and circumstances of the case, the petitioner is granted liberty to file fresh representation before the Director, Primary Education who shall examine the case of the petitioner in the light of the decision taken by the Director, Primary Education in the case of Sangita Sharma. The Director, Primary Education shall pass appropriate order in accordance with law within a maximum period of sixty days from the date of receipt/production of a copy of this order and thereafter ensure consequential relief to this petitioner within a further period of one month.

With the aforesaid, the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

Ravi/-

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