

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.16515 of 2012**

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Lalit Kumar, Son of Sri Akshayabat Singh, Resident of Village - Harshpura, P.S. -  
Baniyapur, P.O. - Choraiya, Dist. - Saran

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, Bihar, Patna
3. The Director (Administration)-Cum-Additional Secretary, Education  
Department, Government of Bihar, Patna
4. The Regional Deputy Director, Education, Saran Division at Chapra

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Nagendra Prasad Yadav, SC-17

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

**ORAL JUDGMENT**

**Date: 14-09-2018**

The present writ application has been filed on 05.09.2012 for a direction to the respondents to consider the case of the petitioner for promotion to the post of Subordinate Education Service (SES) on the basis of his position in the panel on initial date of appointment i.e. 31.01.1991 in terms of the order of this Court in C.W.J.C. No. 1491 of 1996.

2. In C.W.J.C. No. 1491 of 1996, the Writ Court considered the issue of non-preparation of final gradation list and directed the respondents to prepare fresh gradation list. The Court however clarified that if the petitioners have been appointed by direct recruitment to the post of Assistant Teachers out of common



advertisement and common panel, in that case, the seniority of such teachers including the writ petitioners appointed out of the same transaction is to be determined on the basis of position of persons in the merit list/panel and not on the basis of date of appointment of such persons.

3. The petitioner on the strength of the aforesaid observation submits that the petitioner is entitled to his promotion in Subordinate Education Service (SES) on the basis of his position in the panel not on the basis of date of his appointment.

4. The present writ application has been filed in 2012 and we are in 2018 and for the last several dates when the case was listed for admission, no one appeared on behalf of the petitioner to assist the Court.

5. Under the aforesaid circumstances, the Court has reason to believe that the petitioner has either lost his interest or the petitioner's grievance has been redressed. In either of the situation, the Court cannot pass any direction to the respondent except that if the respondents have not granted promotion to the petitioner, they may consider the case of the petitioner for grant of promotion in accordance with law, which includes the consideration of case of teachers appointed in same transaction on the basis of their merit position in the panel for appointment.



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

**(Anil Kumar Upadhyay, J)**

Uday/-

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