

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4198 of 2016

1. Deo Narayan Jha Son of late Kamala Jha Resident of Village- Jagatpur, Bariya Tole, Police Station- Rahika, District- Madhubani.
2. Rajendra Jha Son of late Maharson Jha Resident of Village- Jitwarpur, Police Station- Rahika, District- Madhubani.
3. Ram Deo Dutta Son of late Kishav Dutta Resident of Village- Jitwarpur, Police Station- Rahika, District- Madhubani.
4. Yogendra Prasad Son of Anandi Sah Resident of Mohalla- Laheriaganj, Ward No. 3, Police Station- Madhubani town, District- Madhubani.
5. Bal Krishna Jha Son of late Pandit Ram Kant Jha Resident of Village- Jitwarpur, Police Station- Rahika, District- Madhubani.
6. Dinesh Prasad Son of late Raghu Nath Sah Resident of Madhubani town, Mohalla- Bara Bazar, Ward No. 5, Police Station- Madhubani, District- Madhubani.
7. Dev Narayan Singh Son of Krishna Singh Resident of Madhubani Town, Mohalla- Budh Nagar, Ward No. 26, Police Station- Madhubani, District- Madhubani.
8. Gauri Shankar Prasad Son of late Raghu Nath Sah Resident of Mohalla- Gadiyani, Ward No. 5 (Madhubani) Police Station- Madhubani, District- Madhubani.
9. Md. Idrish Son of late Md. Jumman Resident of Village- Mathiya Police Station- Basopatti, District- Madhubani.
10. Md. Sabir Hussain Son of late Abdul Majid Resident of Mohalla- Momin tole Ward No. 2, Police Station- Madhubani, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Programme Officer, Madhubani
4. The District Education Officer, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad
For the Respondent/s : Mr. Sc17-Arbind Kumar No. 11

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 27-03-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner are retired teachers. They have filed the



present writ application for grant of selection grade/grade-III of pay scale.

On behalf of the respondent the following stand has been taken in para- 8 and 9 the counter affidavit which reads as follows:-

8.”That it is submitted that for the purpose of consideration and grant of benefits of selection scale/grade-3 the rules of reservation is to be followed and since, the General Administration Department, Bihar vide its order contained in memo no.11218 dated 12.08.2014 had stayed the meeting of District/Department Promotion Committee till further orders where rules of reservation is to be followed, the meeting of District Promotion Committee could not be held resultantly, the claim of the petitioners including other such persons has not yet been considered.

9. “That it is not out of place to mention here that the order contained in memo No. 11218 dated 12.08.2014 issued by the General Administration Department, Govt. of Bihar, restraining holding of meetings of Department/District Promotion Committee has been set aside/quashed by this Hon’ble Court.”

It is a matter of common knowledge that the ban of holding departmental promotion was lifted by the General Administration Department pursuant to the decision of this court



affirmed by the Apex Court yet respondents are taking plea of ban of holding meeting for promotion issued by the General Administration Department dated 12.8.2013. Such stand of the respondents cannot be accepted. The respondents are hereby directed to take decision for considering the case for promotion of the petitioner within a period of three months from today and in case the petitioners are found entitled to such benefit of promotion and pay-scale, necessary order, ensuring payment of the promotional benefit must be taken by the respondents within a further period of one month from the date of such decision.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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