

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

**Civil Writ Jurisdiction Case No.1877 of 2015**

**Along with**

**Interlocutory Application No. 439 of 2018**

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Rajendra Sharma Son of Sri jagdish Sharma, Resident of village + P.O :-Belsar,  
Anchal:- Kaler, P.S:- Mehandia, District:- Jehanabad (Arwal).

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Director (Primary Education), Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Magadh Division, Gaya.
4. The District Magistrate, Arwal.
5. The District Education Officer, Arwal
6. The District Program Officer (Establishment), Arwal.
7. The Block Education Officer, Kaler, Arwal.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Siya Ram Shahi with  
Mr. Mrigendra Kumar, Advocates

For the State : Mr. Ravi Ranjan, AC to SC-22

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date: 23-08-2018**

Heard Mr. Siya Ram Shahi, learned counsel for the  
petitioner and learned A.C. to S.C. 22 for the State.

2. The petitioner has moved the Court for the following  
reliefs:

*“(I) For issuance of an appropriate writ, in  
quashing the memo no. 1376 dated 08.09.2012  
issued under the signature of District Education  
Officer, Arwal, whereby promotion in Graduate  
Trained Science granted to the petitioner has  
been cancelled (contained in Annexure-3).*

*(II) For issuance of an appropriate writ*



*commanding the respondents to restore the Graduate Trained Science promotion and consequent to its posting and consequential benefits.*

*(III) For any other relief/reliefs for which the petitioner is entitled under law as well as on facts.”*

3. The petitioner was initially appointed as Matric Trained Teacher and thereafter upon attaining the requisite qualification was granted promotion to Graduate Trained on 28.04.2012. Pursuant thereto, he joined on the promoted post on 04.05.2012. However, by order dated 08.09.2012, such promotion was cancelled for various reasons. The same is under challenge in the present writ application.

4. From the affidavits filed on behalf of the State authorities, especially supplementary counter affidavit on behalf of the respondent no. 3, it transpires that the authorities have accepted that the initial order of promotion of the petitioner to Graduate Trained Scale on 28.04.2012 was correct and the petitioner is entitled to all consequential benefits from the date he joined pursuant thereto. The order is dated 03.05.2017 of the District Promotion Committee, Arwal as communicated by the respondent no. 6. However, the appeal which was filed by the petitioner against the impugned order dated



08.09.2012 of the respondent no. 5 before the respondent no.3 also resulted in a favourable decision on 24.11.2017. Thus, in sum and substance the contention of the petitioner that he is entitled to the benefit of the order of promotion dated 28.04.2012 has been upheld by the authorities and even the formalities required in terms of the order of the respondent no. 3, for the District Promotion Committee to take a decision, has also been complied with, which would apparent from the order issued by the respondent no. 6 dated 03.05.2017, copy of which has been made Annexure-B to the supplementary counter affidavit filed on behalf of the respondent no.3.

5. Having regard to the aforesaid, the writ petition stands disposed off holding the petitioner entitled to benefit of promotion to the post of Graduate Trained in terms of order dated 28.04.2012 but with effect from 04.05.2012, i.e., the date of his joining.

6. Though, Interlocutory Application No. 439 of 2018 has been filed for amendment of the writ petition relating to consequential benefits, the Court does not find it necessary to go into that aspect and accordingly the Interlocutory Application stands disposed off.

7. Further, since the Court as well as the authorities have also found the petitioner entitled for benefit of Graduate Trained in terms of order dated 28.04.2012, it goes without saying that all



subsequent promotion/benefits which may have been given to persons junior to the petitioner shall be granted to him at the earliest, from the date when such promotion/benefits were granted to such junior persons. The same is required to be done by the respondents no. 5 and 6 at the earliest and latest within a period of two months from the date of production of a copy of this order before them.

8. The writ petition stands disposed off in the aforementioned terms.

**(Ahsanuddin Amanullah, J)**

Anjani/-

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