

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2009 of 2015

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Yogendra Prasad Singh, Son of Jaleshwar Prasad Singh, Resident of Village - Jagatpur (Devi Rai Ke tola), P.O- Jagatpur, Police Station - Basantpur, District - Siwan, retired while working as Head Teacher from Govt. Upgraded Middle School Lachhua, Anchal - Lakari Naviganj, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department Government of Bihar, Patna.
2. The Director, Primary Education ,Bihar, Patna
3. The District Magistrate, Siwan.
4. The District Education Officer, Siwan
5. The District Programme Officer (Establishment), Siwan
6. The District Treasury Officer, Siwan.
7. The Block Education Officer, Lakari Naviganj, District - Siwan.
8. The Headmaster Cum- Drawing and Disbursing Officer, Govt. Upgraded Middle School Lachhua, Anchal- Lakari Naviganj, District - Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 25-10-2018

Heard learned counsel for the petitioner and State.

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

“(i) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider the case of the petitioner for promotion in I.Sc. Trained pay scale with effect from 01.04.1985 since when the junior to the petitioner have been promoted whereas the petitioner has been deprived due to departmental latches.



(ii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to pay the amount of difference of arrears of salary to the I.Sc. Trained pay scale to the petitioner with effect from 01.04.1985 along with interest, which has not been paid to the petitioner even after the retirement, whereas junior/ similarly situated teachers are getting the benefits of I.Sc. Trained scale and corresponding benefits since due date since when the junior to the petitioner has been given the benefits although some of them are junior from all corners including length of service and date of birth which is the basic requirement of seniority working in the same and similar grade to provide the next higher promotion.

(iii) For issuance of any other appropriate writ/writs, order/ orders, direction /directions for which the writ petitioner will be found entitled in the facts and circumstances of the case.

3. It appears that for the same relief, the petitioner had approached the Court earlier in CWJC No. 4803 of 2003, which was disposed off along with CWJC No.15281 of 2001 on 18.03.2010 with a direction to file proper representation before the Chairman of the District Education Establishment Committee, Siwan which was to be considered in its next meeting and a final decision taken. The petitioner having represented moved the Court again in



the present proceeding as no order was communicated on his representation. However, a counter affidavit on behalf of respondents no. 4 and 5 affirmed on 26.03.2015 has been filed in the present case bringing on record the order passed on the representation of the petitioner dated 06.10.2012. Copy of the counter affidavit was served on learned counsel for the petitioner on 01.04.2015.

4. In view of a formal order passed on the claim of the petitioner and that too pursuant to an order of the Court, way back on 06.10.2012, the Court does not find any ground to interfere in the matter as long as the order dated 06.10.2012 is holding the field. Accordingly, the writ petition stands disposed off with liberty to the petitioner to take steps in accordance with law with regard to the decision of the Committee dated 06.10.2012 before the appropriate forum.

(Ahsanuddin Amanullah, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

