

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1700 of 2015

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Bhola Prasad Son of Late Gajadhar Prasad, Resident of Village - Karmuwa, P.O -
Gora Karmuwa, P.S- Majhauria, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director (Primary Education) Government of Bihar, Patna.
4. The District Education Bihar, West Champaran, Bettiah.
5. The District Programme Officer (Establishment), West Champaran, Bettiah.
6. The District Primary Teacher Promotion Committee, West Champaran, Bettiah, through its Chairman.
7. The Block Education Officer, Majhauria, At and P.O. Majhauria, District - West Champaran.
8. District Accounts Officer, West Champaran, Bettiah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 20-11-2018

Heard learned counsel for the petitioner and State.

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

“1. That, this application is for issuance of an appropriate writ/writs, order/orders, direction/directions to the respondent nos.4 to 6 to consider the case of the petitioner for grant of promotion to the Head Master Grade-III pay-scale after granting him the Graduation Trained Teacher (Arts) Grade-III Pay Scale in Pay Band-2-Rs.9300/- Rs.34,800,-retrospectively with effect from the date his (the petitioner’s) juniors were granted the same in the year 2012 by on order issued vide Memo No.6703/Bettiah, dt.29.12.2012,-by issuing



the formal orders in the said regard.

2. (i) *The respondent no.4 to 6 be directed to formally grant promotion to the petitioner in the Graduate Trained (Arts) Teacher Grade-III pay-scale retrospectively with effect from the date his (the petitioner's) juniors were granted the same in the year 2012.*

(ii) *The Respondent No.4 to 6 be further directed to consider the case of the petitioner for grant of promotion to the Head Master Grade-III pay-scale in pay Band-2-Rs.9300-Rs.34,800 Grade pay Rs.4800 along with his juniors,-who were granted the Graduate Trained Teacher Grade-III pay-scale in the year 2013 vide letter dated 29.12.2013 (Annexure-1),-by Ignoring the case of the petitioner,-after formally granted the petitioner the said Graduate Trained Teacher Grade-III pay-scale retrospectively with effect from the dates his (the petitioner's) juniors were granted the same.*

(iii) *Pending formal order with respect to the grant of promotion to the petitioner to Graduate Trained Teacher (Arts) Grade-III pay-scale retrospectively with effect from the date his(the petitioner's) juniors of were granted the same, the respondent nos.4 to 6 be restrained by an interim order from granting promotion to the petitioner's juniors in Head master Grade-III pay-scale.*

(iv) *Cost of litigation be assessed and the same be directed to be paid to the petitioner.*

(v) *Any other relief/reliefs to which the petitioner is held entitled to".*

3. From the pleadings on record, the Court cannot come to a definite conclusion with regard to the stand of the petitioner that he has obtained the necessary qualification in



accordance with law and that the certificates are genuine. There are indications in his favour which he has brought on record. However, the Court finds itself incapable of coming to conclusive findings based on such materials.

4. In view thereof, the writ petition stands disposed off with a direction to the District Education Officer, West Champaran to look into the matter. For the said purpose, let the petitioner file a detailed representation along with all materials available with him before the District Education Officer, West Champaran within two weeks from today and thereafter the authority shall take all necessary steps with regard to coming to a conclusion as to whether the materials supplied by the petitioner are worth relying. The said exercise be completed within two weeks from the date of filing of the representation by passing a reasoned order. Based on the same, the claim of the petitioner shall be considered in accordance with law, within the next two weeks.

(Ahsanuddin Amanullah, J.)

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