

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18003 of 2012

=====

Krishna Kant Jha S/O Late Satya Narayan Jha R/O Village- Dorma, P.S.-
Bihra, District- Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Department Of Human Resources Department, Government Of Bihar, Patna
2. The Director, Secondary Education, Government Of Bihar, Patna
3. The Regional Deputy Director Of Education, Saharsa

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 23726 of 2012

=====

Narsingh Jha S/O Late Ram Raksha Jha R/O Vill-Pain, P.S.-Sheikhpura,
Distt-Sheikhpura, Presently Posted As Incharge, Head Master Shri Krishna
Vidyalaya, Sikandra, Jamui

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Education , Government Of Bihar, Patna
2. The Principal Secretary, Department Of Education , Government Of Bihar, Patna
3. The Director, Secondary Education , Government Of Bihar, Patna
4. The Regional Deputy Director Of Education , Munger
5. The District Education Officer, Munger

... .. Respondent/s

=====

Appearance :

(In Civil Writ Jurisdiction Case No. 18003 of 2012)

For the Petitioner/s : Mr. Madhav Jha
Mr. Amaresh, A.C.to G.P.-13

For the Respondent/s : Mr. Ravi Kumar, A.C. to G.P.-13

(In Civil Writ Jurisdiction Case No. 23726 of 2012)

For the Petitioner/s : Mr. Madhav Jha

For the Respondent/s : Mr. P.N. Sahi

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 06-09-2018 Both the writ applications involved common question
of facts of law.

The grievance of the petitioners in both the writ



applications is non-consideration of their cases for inclusion of their name in the gradation list prepared for the purpose of promotion on the post of Headmaster.

The petitioner in C.W.J.C. No. 18003 of 2012 is Acharya whereas the petitioner in C.W.J.C. No. 23726 of 2012 is Acharya as well as Shiksha Shastri. They claim that they are at par with post-graduate degree holders and in terms of rule, they are eligible for promotion as Headmaster.

The petitioners claim that similar issue was examined by a coordinate Bench of this Court in C.W.J.C. No. 14088 of 2012. The Court on consideration of various materials held out that Acharya is equivalent to post graduation and as such the classification by the respondents in distinguishing the case of the petitioners from the Arts, Science and Commerce post-graduate in the matter of preparation of gradation list or consideration for promotion of the petitioners as Headmaster was arbitrary and discriminatory. The decision of the Single Judge in C.W.J.C. No. 14088 of 2012 was challenged by the State of Bihar in LPA No. 1109 of 2013 and the LPA was dismissed.

On the other hand learned counsel appearing on behalf of the respondents submits that the case of the petitioners



does not merit any consideration as petitioners are not post-graduate in Arts, Science and Commerce.

In view of the judgment of the coordinate Bench in C.W.J.C. No. 14088 of 2012 and judgment in LPA No. 1109 of 2013, the Court does not find any merit in the objection of the respondents. It is accordingly, overruled. The writ petitions are allowed. The respondents are hereby directed to consider the case of the petitioners in accordance with judgment of the coordinate Bench in the case of Subhash Mohan Mishra in C.W.J.C. No. 14088 of 2012 and LPA No. 1109 of 2013 and take appropriate decision treating Acharya as post graduate and as such eligible for promotion to the post of Headmaster within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, both the writ petitions stand allowed and disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

U			
---	--	--	--

