

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2200 of 2016

=====

Md. Kabiruddin Ansari, Son of Md. Moinuddin Ansari, resident of village - Tedhi Bazar, P.O. and P.S. - Mohiuddin Nagar, District - Samastipur (Bihar) at present posted as Assistant Teacher in Rajkiya Prathamik Urdu Maktab, Karim Nagar, P.O. and P.S. - Mohiuddi Nagar, District - Samastipur (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Darbhanga, Bihar.
4. The Deputy Development Commissioner, Samastipur, Bihar.
5. The District Education Officer, Samastipur, Bihar.
6. The District Superintendent of Education, Samastipur, Bihar.
7. The District Programmed Officer (Establishment), Samastipur, Bihar.
8. The Block Education Extension Officer, Mohiuddin Nagar, Samastipur, Bihar.
9. The Headmaster, Rajkiya Prathamik Maktab, Karim Nagar, P.O. and P.S. - Mohiuddin Nagar, Samastipur (Bihar).

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Madhaw Prasad Yadaw, Advocate
Mr. Rajesh Kumar Sinha, Advocate
For the Respondent/s : Mr. R.B.N. Singh, AC to GA

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 03-05-2018

Heard learned counsel for the petitioner and State.

2. The grievance of the petitioner in the present writ application is non-consideration of his case for promotion in Graduate Trained Scale and non-consideration of his case for further promotion to the post of headmaster.

3. Learned counsel for the petitioner submits that juniors to the petitioner have been granted benefit of Graduate Trained Scale and they have been considered for grant of promotion to the



post of headmaster. He submits that the petitioner has learnt that his case has not been considered for the reason that the performance appraisal certificate and character certificate have not been forwarded by the controlling authority, although referring to Annexure-10 he submits that the aforesaid documents required by the respondents have already been furnished by the petitioner to District Programme Officer (Establishment), Samastipur.

4. Learned counsel for the petitioner claims that the juniors to the petitioner have been granted benefit w.e.f. 29.12.2012.

5. Without going into the dispute whether those documents have been sent by the petitioner or not, the Court direct the respondent authorities to consider the case of the petitioner for grant of promotion from the date juniors to the petitioner have been granted promotion in the Graduate Trained Scale and further on the post of headmaster.

6. It is the obligation of the respondents to make necessary entries in the service book and submit appraisal report as well as character certificate, as the petitioner cannot create character certificate for his own use nor he can have any say in the preparation of appraisal report. The respondents cannot take the advantage of their failure in maintaining the record issuing character certificate and appraisal report and denying the benefit of promotion to the petitioner.



7. In the aforesaid circumstance, the respondent Director, Primary Education, Government of Bihar is hereby directed to address the grievance of the petitioner within a maximum period of 60 days from the date of receipt/production of a copy of this order. It shall be the obligation of the Director, Primary Education to see that all the formalities including in the nature of character certificate and appraisal report are placed by the competent authority before the appropriate committee considering the case of the petitioner for grant of promotion.

8. It is needless to state here that the respondents have to extend all the benefits of promotion in Graduate Trained Scale and headmaster within a period of 60 days from the date of such decision.

9. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.05.2018
Transmission Date	

