

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20882 of 2014

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Abul Kalam Son of Late Abdul Rajak, Resident of Village- Luckhnowra, P.S.-
Basantpur, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Director Primary Education Department, Bihar, Patna
3. The Regional Deputy Director of Education, Saran, Chapra
4. The District Education Officer (D.E.O.), Siwan, District- Siwan
5. The District Programme Officer (D.P.O.), Siwan, District- Siwan
6. The Accountant General, Bihar, Patna

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 20934 of 2014

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Pundeo Upadhaya Son of Lat Ram Ayodhya Upadhyay Resident of Village -
Saripatti, P.S.- Bhagwanpur, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Bihar Patna
2. The Director Primary Education Department of Bihar, Patna
3. The Regional Deputy Director, Saran at Chapra
4. The District Education Officer (D.E.O.), Siwan, District - Siwan
5. The District Programme Officer (D.P.O.), Siwan, District - Siwan
6. The Accountant General Bihar, Patna

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 21372 of 2014

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Md. Daud. Son of Late Md. Israil. Resident of Village: Jalapur, P.S:
Basantpur, District: Siwan

... .. Petitioner/s

Versus

1. The State of Bihar. through the Secretary, Bihar Patna.
2. The Director Primary Education Department, Bihar. Patna.
3. The Regional Deputy Director, Saran, Chapra.
4. The District Education Officer (D.E.O), Siwan, District- Siwan.
5. The District Programme Officer(D.P.O), Siwan, District- Siwan.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

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with



Civil Writ Jurisdiction Case No. 21178 of 2014

Haridant Ram Son of Shiv Bachan Ram Resident of Village - Jagdishpur,
P.S.- Bhagwanpur, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Education, Bihar, Patna
2. The Director Primary Education Department, Bihar, Patna
3. The Regional Deputy Director, saran at Chapra
4. The District Education Officer (D.E.O.) Siwan, District - Siwan
5. The District Programme Officer (D.P.O.), Siwan, District- Siwan
6. The District Programme Officer (D.P.O.), Siwan, District - Siwan
7. The Accountant General, Bihar, Patna

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 21300 of 2014

Braj Kumar Singh Son of Late Bhagwan Singh Resident of Village :
Piprahiya, P.S : Bhagwanpur, District : Siwan

... .. Petitioner/s

Versus

1. The State of Bihar , through the Secretary , Department of Education, Bihar, Patna.
2. The District Primary Education Department , Bihar Patna.
3. The Regional Deputy Director, Saran, Chapra.
4. The District Education Officer (D.E.O) , Saran Chapra, District- Saran [Chapra]
5. The District Programme Officer (D.P.O), Saran [Chapra], District- Saran [Chapra]
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 21257 of 2014

Shail Kumari Devi. Wife of Late Satyadeo Singh. Resident of Village -
Maghari, P.S.- Bhagwanpur, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Department of Education, Bihar, Patna.
2. The Director Primary Education Department, Bihar, Patna.
3. The Regional Deputy Director, Saran, Chapra.
4. The District Education Officer (D.E.O.), Siwan, District - Siwan.
5. The District Programme Officer (D.P.O.), Siwan, District - Siwan.



6. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 20882 of 2014)

For the Petitioner/s : Mr. Arbind Kumar, Advocate

Mr. Krishna Bihari, Advocate

For the Respondent/s : Mr. Jai Shankar Barnwal, GA-5

For Accountant General : Mr. Raghwanand, Advocate

(In Civil Writ Jurisdiction Case No. 20934 of 2014)

For the Petitioner/s : Mr. Arbind Kumar, Advocate

For the Respondent/s : Mr. Ashok Priyadarshi, GA-4

(In Civil Writ Jurisdiction Case No. 21372 of 2014)

For the Petitioner/s : Mr. Arbind Kumar, Advocate

For the Respondent/s : Mr. Shivendra Kishore, AAG-7

(In Civil Writ Jurisdiction Case No. 21178 of 2014)

For the Petitioner/s : Mr. Arbind Kumar, Advocate

For the Respondent/s : Mr. P.K. Verma, AAG-5

(In Civil Writ Jurisdiction Case No. 21300 of 2014)

For the Petitioner/s : Mr. Arbind Kumar, Advocate

For the Respondent/s : Mr. Anjani Kumar, AAG-6

(In Civil Writ Jurisdiction Case No. 21257 of 2014)

For the Petitioner/s : Mr. Arbind Kumar, Advocate

For the Respondent/s : Mr. Mujtabaul Haque, GP-12

Mr. Manish Kumar, AC to GP-12

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 07-09-2018

Heard learned counsel for the petitioner.

The grievance of the petitioner in the present writ petition is non-grant of Second Time Bound Promotion.

Although, the petitioner is eligible for such time bound promotion w.e.f. February 1993. The petitioner retired in 2006 without availing the benefit of second time bound promotion.

Time bound Promotion scheme was available up to 31st of December 1995 and as such all eligible teachers who acquired eligibility for grant of promotion upto 31st of December, 1995



are eligible for grant of promotion. The respondent cannot take advantage of their lapse and deny Second Time bound Promotion as it was the obligation of the respondent to take decision and grant time bound promotion to all teachers, who acquired eligibility during the currency of the scheme of the time bound promotion. This writ petition was filed on 19.12.2014, but nearly four years has been passed no counter affidavit has been filed. In the peculiar facts of the case respondents are directed to take decision on the claim of the petitioner for grant to time bound promotion and on verification of the record, if it is found that the petitioners have completed the requisite period of service for grant of second time bound promotion as claimed (petitioner claim that he has acquired eligibility for second time bound promotion). The respondents are hereby directed to take appropriate decision with regard to second time bound promotion to the petitioner and workout entitlement of the petitioner on account of grant of second time bound promotion. The respondents are also required to take step for not only payment of arrears on account of time bound promotion but also required to revise the post retiral dues of the petitioner on the basis of grant of second time bound promotion to the petitioner if petitioner is found eligible for such benefits.



With the aforesaid the writ application stands
disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

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