

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6605 of 2016

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1. Venkateshwar Kumar , S/o Shri Ayodhya Prasad, Resident of At- Alinagar, P.O.- Poari, P.S.+Prakhand- Harnaut, District- Nalanda.
 2. Manoj Kumar, Son of Shri Durgeshwar Prasad, Resident of Mohalla – Khasganj, P.O.+P.S. Sohسرائي, Prakhand- Biharshariff, District Nalanda.
 3. Rajendra Kumar, Son of Late Ganga Thakur, Resident of At+P.O.- Belchhishariff, P.S.- Manpur, Prakhand- Biharshariff, District- Nalanda.
 4. Sanjay Lal, son of Gopal Lal, Resident of At+P.O.- Bara, P.S.+ Prakhand- ben, District- Nalanda.
 5. Gopal Sharan Prasad, son of Ayodhya Prasad, Resident of At- Alinager, P.O.- Poari, P.S.+ Prakhand- Harnaut, District- Nalanda.

.... Petitioner/s

Versus

1. State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education Govt, of Bihar, Patna.
4. The Regional Deputy Director of Education, Patna.
5. The district Education Officer, Nalanda.
6. The District Programme Officer (Establishment) Nalanda.
7. The Senior Deputy Collector, member of the promotion committee Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate

For the Respondent/s : Mr. Anil Kumar, GP-23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 04-04-2018

Heard learned counsel for the petitioners and State.

2. The petitioners have filed the present writ application for a direction to the respondents to consider the case of the petitioners for grant of promotion in Graduate Trained Scale.

3. Learned counsel for the petitioners submits that similarly circumstanced other teachers have been granted such promotion, but the petitioners have been discriminated.

4. According to the learned counsel for the petitioners



after the judgment of Full Bench, the respondents were required to consider the cases to all eligible candidates for grant of promotion in Graduate Trained Scale. He submits that the name of the petitioners figured in the final gradation list, which was prepared and published pursuant to the judgment of the Full Bench, but the respondents have not considered and granted promotion to the petitioners in Graduate Trained Scale, although the respondents have issued order granting such promotion to 335 teachers in Graduate Trained Scale. He submits that more than 100 posts are lying vacant in Graduate Trained Scale, but the respondents are not taking decision for such promotion. Learned counsel submits that for redressal of their grievance in the nature of consideration of their case for grant of promotion to Graduate Trained Scale is pending before the respondents, as is evident from Annexure-5 Series.

5. Since the writ application has been filed after service of two advance copies in 2016 to the office of learned Advocate General, we are in 2018, but till date the grievance of the petitioners has not been redressed.

6. Vide Annexure-A to the counter affidavit, stand was taken by the respondents that a provisional gradation list is being published and whose name has been left out in the provisional gradation list objections have been invited up to 07.02.2017 and there



is averment in the counter affidavit that after 07.02.2017 they may consider the case of such eligible candidate for grant of promotion.

7. In view of the above, the writ application is disposed of with a direction to the respondent District Education Officer, Nalanda to take step for finalizing the gradation list, if not already finalized, within a period of 60 days from the date of receipt/production of a copy of this order and the respondent District Education Officer is also required to take step for consideration and grant of promotion to all eligible including the petitioners within the time frame indicated hereinabove.

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

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.04.2018
Transmission Date	

