

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13473 of 2017

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Shail Kumari, Wife of Shri Chandra Shekhar Prasad, and at Present Working
as in-Charge Headmistress in Government Girls Middle School,
Kamruddinganj, Biharshariff, District-Nalanda. Petitioner/s

Versus

1. The State of Bihar
 2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
 3. The Director, Secondary Education, Government of Bihar, Patna.
 4. The Regional Deputy Director of Education, Patna Pramandal, Patna.
 5. The District Education Officer, Nalanda.
 6. The District Programme Officer, (Est.) Nalanda. Respondent/s
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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate
For the Respondent/s : Mr. Jitendra Kr.Roy No1-SC-13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 01-05-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner has filed the present writ application for a
direction to the respondents to provide posting to the petitioner on
her promotion in Subordinate Education Service vide Memo No.
1030 dated 29.09.2011.

The Court at first instance failed to understand the reason
for filing such writ application when the respondents have granted
promotion to the petitioner.

However, learned counsel for the petitioner submits that it
is necessary in the Education Department to file writ application an
obtain order otherwise nothing move without the direction of the writ
court. It is obligation of the respondent-State to provide posting on
account of promotion and for the purpose of posting if the citizen has
to approach the writ court, then the inaction has gone to the extent



that the entire machinery has failed there is no one to take note of the failure on the part of their officers in discharging their routine duties. In the matter of posting on promotion the officer or the authority granting promotion is under obligation to see that the promotees are granted posting along with the order of promotion. The order of promotion passed in the year 2011 is made illusory by the failure of the respondent to issue posting order. The inaction for six years in the matter of posting has to be deprecated.

Under the aforesaid circumstance, the writ petition is disposed of with a direction to the respondent-Director, Primary Education/ Director (Administration) to take final decision with regard to posting of the petitioner within a period of 60 days from the date of receipt/production of a copy of this order.

In view of the inaction noticed by this court in similar cases, Registry is directed to forward a copy of this order to the Principal Secretary of the Education Department, Government of Bihar for remedial action in the matter.

With the aforesaid, writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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