

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10443 of 2017

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1. Geeta Kumari, wife of Sri Mahendra Pratap Dubey, at present working as Headmistress (In-Charge), Government Middle School, Perhap, Block- Sahar, District- Bhojpur.
 2. Vijay Kumar Pathak, son of Late Deo Kumar Pathak, at present working Headmaster (In-charge), Upgraded Middle School, Block- Jagdishpur, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Bailey Road, Patna.
2. The Director, Primary Education, Department of Education, Government of Bihar, New Secretariat, Bailey Road, Patna.
3. The Regional Deputy Director of Education, Patna Division, Patna.
4. The District Magistrate, Bhojpur at Ara.
5. The District Education Officer, Bhojpur, District- Bhojpur at Ara (Bihar).
6. The District Program Officer (Establishment), District- Bhojpur at Ara.
7. The Block Education Officer, Block- Sahar (West), District- Bhojpur at Ara.
8. The Block Education Officer, Block- Jagdishpur (West), District- Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra
For the Respondent/s : Mr. Smt.Binita Singh-Sc28

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 23-04-2018 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

The instant writ application has been filed on behalf of the petitioners raising a grievance that juniors to the petitioners have been granted promotion whereas petitioners' case was not considered and as such the petitioners have prayed for a direction to the respondents to consider the case of the petitioners for grant of promotion with all consequential



benefits.

On behalf of the respondent nos. 5 and 6 a counter affidavit has been filed. From the counter affidavit, it appears that respondents have admitted foul play in the matter of granting promotion.

The statement made in para-6 to 13 of the counter affidavit is indicative of the fact that respondents have committed irregularity in granting promotion.

Para-6 to 13 of the counter affidavit reads as follows:-

“6. That it is stated and submitted that the petitioner no.1 has joined the service as the trained Assistant Primary Teacher on 06.05.1986. She was granted promotion on graduate trained teacher on 15.10.2012. Thereafter, for promotion to the post of Headmaster a seniority list (Annexure-5 to the writ application) was prepared wherein petitioner no.1 was placed at serial no.50. It was noticed therein that petitioner no.1 had done post graduate as independent student in the year 1991 from A.N. College, Patna (Magadh University). She had got permission to appear in the examination vide letter No.2028 dated 24.08.1990 but in the remarks column it was indicated “whether the said institution has



provision for independent student or not”.

7. That it is stated and humbly submitted that the petitioner no.2 had joined the service as untrained Primary Teacher on 11.09.1991. He was given promotion on graduate trained teacher on 15.10.2012. It is further stated that for promotion to the post of Headmaster final seniority list (Annexure-5 to the writ petition) was published on 01.07.2016 wherein petitioner no.2 was placed at serial no.165. Petitioner no.2 had done his post graduation in the year 2004 from Kameshwar Singh Darbhanga Sanskrit University, Darbhanga as independent student. In the remarks column of the said list it was indicated that no evidence is produced to ensure that the said session of the University was approved.

8. That it is stated and humbly submitted that it is a matter of record that petitioner no.1 and the petitioner no.2 has submitted their representations with relevant documents on 27.06.2017 respectively in response of objection raised in remarks column of the said final seniority list.

9. That is stated and humbly submitted that the aforesaid representations could not be considered as meeting of the District Primary Teachers Promotion Committee has already been held on 19.06.2017 and accordingly vide office order contained in memo no.3524 dated



22.06.2017 (Annexure-1 to the writ petition) promotion was granted to eligible graduate trained teachers to the post of Headmaster and hence, the petitioners did not find place in the said list.

10. That it is stated and submitted that in the meanwhile many representations were received against the alleged illegality in granting promotion to the post of Headmaster vide memo no.3524 dated 22.06.2017 by the teachers who were left out of the list. Some teachers also preferred appeal against said list before the R.D.D.E., Patna Division, Patna and some teachers also filed writ petitions before this Hon'ble Court.

11. That it is stated and submitted that to look into the grievance of the teachers the District Education Officer, Bhojpur at Ara vide memo no.5773 dated 08.11.2017 constituted a Committee presided by the District Programme Officer, Sarv Shiksha Abhiyan, Bhojpur and directed the Committee to submit the report at the earliest. A reminder was also issued to the Committee vide memo no.5935 dated 17.11.2017.

Copies of memo no.5773 dated 08.11.2017 and memo no.5935 dated 17.11.2017 are annexed herewith and marked as Annexure-A&B respectively to this counter affidavit.

12. That it is stated and humbly submitted that before the said Committee would have given



its report the District Magistrate, Bhojpur, Ara also took cognizance of the alleged illegality made in promotion to the post of Headmaster and constituted another Committee presided by the D.D.C., Bhojpur vide memo no.3926 dated 11.12.2017.

13. That it is stated and humbly submitted that as soon as the report of the Committee constituted by the District Magistrate, Bhojpur, Ara is received, the documents submitted by the petitioners alongwith their representations will be placed before the District Primary Teachers Promotion Committee in its very next meeting for promotion.

Under the aforesaid circumstances, the writ petition is disposed of with direction to the District Programme Officer (Establishment), Bhojpur at Ara to consider the case of the petitioners for grant of promotion by placing the case of the petitioners in the District Primary Teachers Promotion Committee within a period of one month from today and take steps for granting promotion to the petitioners within a maximum period of three months from today.

The respondents are directed to grant all consequential benefits from the date juniors to the petitioners have been granted such benefit. In the event there is delay in



granting promotion and the consequential benefit, the respondents shall pay interest @ 9 per cent per annum from the date juniors have been granted promotion and monetary benefit and the interest component shall be realized from the officers who are responsible for ignoring the case of the petitioners for grant of promotion to the post of Headmasters.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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