

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14558 of 2014

Md. Kabiruddin Ansari S/o 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. Mohiuddin 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. Rajesh Kumar Sinha, Advocate
For the Respondent/s : Mr. Arvind Kumar-1 SC-13

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 07-09-2018

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

2. The grievance of the petitioner in the present writ petition is non-consideration of his case for grant of promotion on the ground of non-availability of Performance Appraisal Report.

3. In the counter affidavit the respondents have admitted in para 9 that petitioner has not been promoted in the year 2012 due to lack of character certificate and the Performance Appraisal



Report. The counter affidavit was filed on 20.9.2016 and we are in 2018.

4. In the peculiar facts and circumstances, the respondents are directed to convene the meeting of the Promotion Committee within a period of one month from today and take appropriate decision in relation to the grant of promotion to the petitioner. It is to be clarified here that the respondents are under obligation to prepare the Performance Appraisal Report and for their failure the petitioner cannot be made to suffer. If no decision is taken within one month from today on the claim of the petitioner then the petitioner would be entitled to payment of entire consequential benefits from the date similarly circumstanced and juniors have been granted such benefit with interest at the rate of 9% per annum to be borne by the members of the District Primary Teachers Promotion Committee.

5. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.09.2018
Transmission Date	

