

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3705 of 2017**

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1. Kishori Bhagat Son of Late Kali Bhagat Resident of Vill + Post - Sewatar, P.S. - Atri, District - Gaya, presently posted as Asstt. Teacher Upgraded Middle School, Khesra, Imamganj, Gaya.
  2. Ajay Kumar Son of Late Ram Narayan Singh Resident of Village + Post - Pipra, P.S. - Dumariya, District - Gaya, Presently posted as Asstt. Teachers Upgraded Middle School, Sobri Basura, Situated in Imamganj Block under the District of Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Human Resources Development Department, Government of Bihar.
2. The Director, Primary Education, Government of Bihar, Patna
3. The District Magistrate, Gaya.
4. The District Education Officer, Gaya.
5. The District Programme Officer (Establishment), Gaya.
6. The Block Education Officer, Imamganj, Gaya.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Arun Kumar Prasad, Advocate |
|                      |   | Mr. Anuj Kumar, Advocate        |
| For the Respondent/s | : | Mr. Amit Bhushan, AC to GP17    |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

3     28-03-2018             Heard learned counsel for the petitioners and the respondents.

The only rub in the present writ petition is whether the petitioners have obtained prior permission of the authority concerned for improvement of their qualification or they have obtained such qualification without prior permission. From the averments made in the writ petition it appears that the petitioners have obtained prior permission from the Regional Deputy Director of Education, whereas in the counter affidavit



stand of the respondent is that no such permission was obtained by the petitioners.

In view of the above, the writ petition is disposed of with a direction to the petitioners to produce relevant documents showing permission obtained before enhancing qualification and in case such document is produced by the petitioners before the District Education Officer, Gaya within a period of one month from today, the District Education Officer is required to verify the record and on satisfaction that necessary permission was obtained by the petitioners before enhancing the qualification, corrective measures may be adopted by the District Education Officer and appropriate decision may be taken within a maximum period of two months from the date of production of letter of permission for enhancing qualification.

In the event on verification of record the District Education Officer, Gaya is satisfied that necessary permission was obtained by the petitioners by the RDDE then that may be treated as substantive compliance and he may consider the case of the petitioners for promotion in accordance with the seniority position within a further period of one month from the date of such decision.

The District Education Officer may also consider



whether at the relevant time there was requirement of prior permission or not while taking final decision in this regard in view of Annexure-6.

With the aforesaid, the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

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