

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14177 of 2014

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1. Anil Kumar Poddar S/o Dwearika Prasad Poddar, Resident of Village- Haflaganj, P.O. Sirnia, P.S.- Mufassil- Katihar, District- Katihar.
 2. Amitabh Narayan Roy S/o Late Ram Narayan Roy Resident of Madubani Bazar Chowk, P.O.- Purnea, P.S.- Khazanchi Hat, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna. null null
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Education Officer, Katihar.
5. The District Programme Officer, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad Singh, Sr. Advocate
		Mr. Ravi Kumar Singh, Advocate
For the Respondent/s	:	Mr. K.K. Tiwari AC to SC-27

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 07-09-2018 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The grievance of the petitioners in the present application is non-consideration of the case of the petitioner for grant of promotion on the post of Headmaster with all consequential benefits. Learned counsel for the petitioner with reference to paragraph-16 submitted that the final merit list for post of Headmasters published in 1993 both the petitioners figures in the list for appointment against the post of Headmaster, but while preparing the merit list the respondents



have ignored the claim of the petitioner. Although, juniors to the petitioners have been granted promotion.

Mr. Rajendra Prasad Singh learned senior counsel for the petitioner has referred to paragraph 17 and 19 to indicate that juniors have been granted promotion ignoring the seniority position of the petitioners. The state is expected to act fairly and respect seniority in the matter of grant of promotion. This writ petition has been filed on 19.08.2014 after service of two advance copies to the office of the Advocate General, even after expiry of four years no counter affidavit has been filed. The Court has no option but to proceed with the case on the basis of material available on the record, which indicates that many persons juniors to the petitioners have granted the promotion ignoring the seniority of the petitioner under the aforesaid circumstance, the State is also obliged to rectify the mistake and grant the benefit of promotion to the petitioner from the date juniors have been granted promotion.

Accordingly, the writ petition is disposed of with a direction to the respondent District Programme Officer (Establishment), Katihar to examine the record and after verification of record, if it is found that any persons juniors to the petitioners have been granted promotion on the post of



Headmasters the District Programme Officer (Establishment), Katihar has to take corrective measure to grant such promotion to these petitioners with all consequential benefits with effect from the date such benefits have been granted to the juniors to the petitioners. Corrective action on the part of the respondent must be taken within a period of four months front the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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