

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16903 of 2016

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1. Ramchandra Paswan S/o Late Bhadari Paswan Resident of Village - Sahwajpur, P.O. - Nayagaon, P.S. Sheohar, District Sheohar at present posted as Assistant Teacher, Middle School Bajitpur, Dumra, Sitamarhi.
 2. Shatrudhan Chaudhary S/o Kansu Chaudhary Resident of Village - Sangram Fandar, P.O. - Riga, P.S. Riga, District Sitamarhi at present posted as Assistant Teacher, Middle School Kusmari, Riga, Sitamarhi.
 3. Neelam Devi D/o Asharfi Chaudhary Resident of Village - Sangram Fandar, P.O. - Riga, P.S. Riga, District Sitamarhi at present posted as Assistant Teacher, Middle School Kusmari, Riga, Sitamarhi.
 4. Gagandeo Ram S/o Late Horik Ram Resident of Village - Ranjeetpur (Jor), P.O. - Dumra, P.S. - Dumra, District Sitamarhi at present posted as Assistant Teacher, Middle School Kisanpur Bathnaha, Sitamarhi.
 5. Rajendra Paswan S/o Late Lal Bihari Paswan Resident of Village - Vishwanathpur, P.S. Dumra, District Sitamarhi at present posted as Assistant Teacher, Middle School Mirchaiya Tol, Dumra, Sitamarhi.
 6. Vishwanath Priyadarshi S/o Late Dodhai Sahu Resident of Village - Prem Nagar, P.O. - Runnisaidpur, District - Sitamarhi at present posted as Assistant Teacher, Middle School Suchi Premnagar Runnisaidpur, Sitamarhi.
 7. Dinesh Kumar S/o Late Kishori Thakur Resident of Village - Dumri Bari Bazar, P.O. - Court Bazar, P.S. & Distt. Sitamarhi at present posted as Assistant Teacher, Middle School Paraspati, Dumra, Sitamarhi.
 8. Ram Ratan Paswan S/o Late Yugeshwar Paswan Resident of Village - Chakka Rasalpur, P.O. - Rasalpur, P.S. Dumra, District Sitamarhi at present posted as Assistant Teacher, Middle School Ward No. 6, Dumra, Sitamarhi.
 9. Ratneshwar Jha S/o Late Nandlal Jha Resident of Village + P.O. - Manpur Ratnawali, P.S. Runnisaidpur, Dist. Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director, Primary Education, Muzaffarpur.
4. The District Education Officer, Sitamarhi.
5. The District Education Officer, Sheohar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Respondent/s : Mr. RAJ NANDAN PRSAD-SC9

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 14-05-2018

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



2. Petitioners are aggrieved by non-consideration of their case for promotion on the ground that they have obtained Sahitya Alankar Degree from Hindi Vidyapith, Deoghar.

3. Counsel for the petitioners submits that the respondents have recognized such degree and granted benefit to others.

4. Mr. Thakur submits that up to 2008, this kind of degree was recognized by the State and as such petitioners are entitled to grant of promotion. By placing reliance on the judgment of the Division Bench in L.P.A No. 11 of 2014 dated 27.01.2016. Mr. Thakur has submitted that this Court has taken into consideration that the degree of Sahitya Alankar was recognized at the relevant time by the State Government and as such the petitioners have obtained the degree of Sahitya Alankar at the relevant time when the degree was recognized. Mr. Thakur submitted that in view of the above the respondents are required to consider the said degree of the petitioners for the purpose of granting promotion.

5. Without going into the aforesaid controversy, the writ application is disposed of with a direction to the respondents if they recognize the degree up to 2008 in that situation, they are required to consider the case of the petitioners and if similarly circumstanced others have been extended the benefit, the respondents



are required to consider the case of the petitioners for grant of promotion.

In the peculiar facts of this case, respondents have to work out corrective measures by taking decision of granting promotion to the petitioners or by nullifying the promotion granted to others, if they have granted such promotion to others illegally, decision to nullify the promotion can only be taken after giving opportunity of hearing to the persons likely to be adversely affected. The entire exercise of granting promotion or steps for nullifying the promotion of persons granted promotion illegally shall be taken by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.

6. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.05.2018
Transmission Date	

