

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20405 of 2016

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1. Reyaz Ahmad, son of Ataur Rahman, Resident of Village - Ratwara, P.S. Kalyanpur, District - Samastipur, presently working as an Assistant Teacher, Up - graded Middle School, Kharaj, Rosera Anchal - Samastipur, District - Samastipur.
 2. Vijay Kumar Chaudhary, son of Late Rameshwar Chaudhary, Resident of Village- Narhar, P.S. Bibhutipur, District - Samastipur, presently working as an Assistant Teacher, Up-graded Middle School, Aaraut Girls Rosera Anchal - Rosera, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Darbhanga Division, Darbhanga.
5. The District Magistrate, Samastipur, District - Samastipur.
6. The District Education Officer, Samastipur, District - Samastipur.
7. The District Programme Officer (Establishment), Samastipur, District - Samastipur.
8. The District Programme Officer (Secondary), Samastipur, District - Samastipur.
9. The Senior Deputy Collector, Samastipur, District - Samastipur.
10. The Additional Collector, Samastipur, District - Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent/s : Mr. Amit Bhushan, AC to GP17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
Date: 30-03-2018

Heard learned counsel for the petitioners and State.

The petitioners are aggrieved by the action taken on the part of the respondents for non-grant of promotion to the post of headmaster.

In para 9 and 10 of the counter affidavit, the following stand have been taken by the respondents:

“9. That after receiving the objections a meeting



of District Primary Teacher Promotion Committee Samstipur was held on 24.2.2016. From the resolution 2 (2) the claim of petitioners alongwith 27 teachers were considered and found that those teachers who obtained B.Ed. degree and post graduate degree in the same sessions as a regular student are not entitled for promotion on the post of Headmaster. Therefore, the decision was taken to seek proper guideline from the Director, Primary Education, Bihar in the aforesaid matter. The name of petitioner No.1 and petitioner no.2 find place at S. No.22 and 52 in the provisional gradation list.

10. That pursuant to the decision of the promotion committee, the District Education Officer, Samastipur vide letter no. 745 dated 30.03.2016 sought for guideline with regard to objections received from the teachers concerned and the remark of the committee but no guideline has been received as yet.”

In view of the above, the respondents are required to take appropriate decision at the earliest, as the guide lines sought for promotion way back in 2016 cannot be a ground to deny the promotion to the petitioners. Final decision with regard to the claim of the petitioners for grant of promotion to the post of headmaster must be taken within a period of 60 days from the date of receipt/production of a copy of this order. They cannot be heard saying that they have sought guide lines and the guide lines have not



received as yet. All concerned are expected to take appropriate decision at the earliest considering the fact that the matters of promotion of the petitioners are pending since 2016.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.04.2018
Transmission Date	

