

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 19738 of 2018

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1. Sunil Kumar Choudhary, Son of Vindeshwar Choudhary, Resident of Ward No.8, Gram Jaganpatti, Dighi, District- Sitamarhi.
 2. Kumari Indrasan, Wife of Indal Singh, Resident of Village- Hari, Post- Haribela, Panchayat Dighi, Block- Bathnaha, District- Sitamarhi.
 3. Kumari Indu, D/o Upendra Sah, Resident of Village+Post- Haribela, Police Station- Bathnaha, District- Sitamarhi.
 4. Babita Kumari, W/o Anand Kumar, Resident of Village- Harivbela, Police Station- Bathnaha, District- Sitamarhi.
 5. Mamta, S/o Jai Prakash Narayan Singh, W/o Paravakar Kumar, Resident of Village- Gonahai Bishanpur, Block- Sonbarsa, District- Sitamarhi.
 6. Gouri Kumari, W/o Sunil Kumar, Resident of Village- Supaina, Post- Haribela, Block- Bathnaha, District- Sitamarhi.
 7. Hafiz Md. Mojibur Rahman, Son of Md. Safi Ahmad, Resident of Village- Girmisani, Post- Phatahpur, Block- Dumra, District- Sitamarhi.
 8. Pravakar Kumar, S/o Sadhu Saran Singh, Resident of Village- Marpa Sirpal, Post- Basbita, Police Station- Majarganj, District- Sitamarhi.
 9. Rasmi Rathi, D/o Ram Niwash Singh, Resident of Village- Raghunathpuri, Ward No.27, Police Station- Sitamarhi Mehsil, District- Sitamarhi.
 10. Ajay Paswan, Son of Dharikshan Paswan, Resident of Village- Lohkhar, Police Station- Sonbarsa, District- Sitamarhi.
 11. Nasim Ahmad Khan, Son of Md. Mustkim Khan, Resident of Village- Phatahpur, Police Station- Sonbarsa, District- Sitamarhi.
 12. Poonam Kumari, D/o Ram Pratap Thakur, Resident of Village+Post- Bhutahi, Police Station- Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Sitamarhi, District- Sitamarhi.
5. The District Education Officer, Sitamarhi, District- Sitamarhi.
6. The District Programme Officer, Esatablishment (Education) Sitamarhi, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar
For the Respondent/s : Mr.Prabhakar Jha- Gp27

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 20-12-2018 Heard learned counsel for the petitioners and the
respondent-State.



It is submitted by the learned counsel for the petitioners that in view of law laid down by this Court in the proceedings arising out of *LPA No 1699 of 2013*, petitioners are entitled to promotion as Trained Teacher in view of their having acquired Diploma in Primary Education.

This Court would find that pursuant to the declaration of law and even after passing of order dated 10.05.2018 in CWJC No 19333 of 2016, petitioners have never approached the authorities for the relief prayed for in the writ petition.

In the aforesaid circumstances, since there is no demand by the petitioners and refusal by the authorities, there is no scope for this Court to presume that petitioners would be denied similar consideration, exercise writ jurisdiction in favour of the petitioners. Petitioners were required to raise their grievance before the authorities.

Writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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