

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7532 of 2017

=====

Abhay Kumar Singh S/o Sita Ram Singh, Resident of Village- Senduar, P.S.-
Janta Bazar, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Commissioner, Saran Division, Chhapra.
3. The Regional Deputy Director of Education, Saran, Chhapra.
4. The District Education Officer-cum- Chairman, District Education Establishment Committee, Siwan.
5. The District Program Officer, Establishment (Education), Siwan.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Respondent/s : Mr. Ram Balak Mahto-Ag

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 02-05-2018

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

Petitioner is aggrieved by the order contained in
Annexure-10. It appears that the respondents have proceeded on
the premise that the petitioner was not granted Graduate Trained
Scale and therefore he was not entitled to consideration and grant
of promotion as Headmaster.

Learned counsel for the petitioner has submitted that the
petitioner has obtained Graduate degree in the year 1981 and Post
Graduate degree in 1983 and as such he was entitled for grant of
Graduate Trained Scale and consequently for grant of promotion
as Headmaster. If the respondents have failed in discharge their



duties in considering the case of the petitioner taking into account the qualification and seniority, then the petitioner cannot be made to suffer for the lapse of the respondents. He submits that on account of seniority and qualification, the petitioner was entitled to grant of promotion in Graduate Trained Scale and second promotion as Headmaster but the respondents have rejected the claim vide Annexure-10, which is arbitrary exercise of power.

In the totality of the fact situation the respondents are directed to consider the case of the petitioners afresh for grant of Graduate Trained Scale and subsequently on improving his qualification by acquiring Post Graduate degree, for grant of promotion to the post of Headmaster. If it is found that the petitioner was entitled to grant of graduate trained scale he may be granted the same. Thereafter if the petitioner is found eligible for promotion as Headmaster, the respondents are required to work out the actual date of promotion on the post of Headmaster and consequential benefit in accordance with rules of seniority. The entire exercise in this regard must be completed within a period of three months from the date of receipt/production of a copy of this order and Annexure-10 will not come in the way of respondents in taking fresh decision.



In the event the petitioner is found entitled to grant of graduate trained scale and promotion to the post of Headmaster in view of his seniority, the respondents are required to ensure all consequential benefit to which the petitioner is found entitled within the period of 3 months indicated above.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.05.2018
Transmission Date	

