

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4517 of 2018

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Anil Kumar Son of Bishwanath Prasad Gupta Resident of Village - Rajkhan,
P.S. Orai, District - Muzaffarpur at present R/o Prakash Path Lane No. 8, P.O.
Muradpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Muzaffarpur.
4. The District Education Officer, Muzaffarpur.
5. The District Programme Officer, Establishment, Muzaffarpur.
6. Ganesh Dutt Jha Father's name not known District Education Officer, Muzaffarpur.
7. Rajeshwar Kumar Sinha S/o Late Sachhidanand Sinha District Programme Officer, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Narain Yadav, Advocate Ms. Pooja Shree, Advocate Ms. Sweta Kumari, Advocate Ms. Annu Shree, Advocate
For the Respondent/s	:	Mr. Jai Prabhat Kishore, AC to SC13

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 21-12-2018

It is submitted by counsel for the petitioner that during pendency of the writ petition an office order has been issued by the District Education Officer, Muzaffarpur on 09.06.2018 bearing memo no. 2472 giving provisional promotion to the petitioner as Headmaster and posting him at Secondary School, Mahdeya, Meenapur. From the order, copy of which has been handed over to this Court by the petitioner it appears that the



promotion has been made provisionally awaiting the approval by the Primary Teachers Establishment Committee in its proposed meeting.

Counsel for the petitioner submits that in terms of the judgment passed in the case of Awadhesh Kumar Singh in the proceedings arising out of C.W.J.C. No. 3145 of 2017 the petitioner would be entitled to benefits of promotion and for grant of salary of the post of Headmaster from an earlier date i.e., 11.01.2017.

Whether the petitioner is entitled to such similar benefit is an issue which have to be looked into by the Primary Teachers Establishment Committee in its meeting wherein the provisional promotion of the petitioner is to be finally approved. Let decision in respect of the petitioner's claim for promotion alongwith benefits from an earlier date i.e., 11.01.2017 be taken at the next meeting of the Primary Teachers Establishment Committee, Muzaffarpur, after service/receipt of this order.

Writ petition is disposed off with the aforesaid direction.

In case the petitioner's claim is found eligible for the same benefit, it is needless to say that the respondents would be obliged to extend the same keeping in view the provisions of



Clause 4.C(1) of the State Litigation Policy of 2011 with
respect to covered matters.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

