

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.580 of 2016

1. Ashok Kumar Choudhary Son of Lakshman Choudhary, resident of village- Hasanpur, P.O.- Hasanpur, P.S.- Arwal, District- Arwal
2. Mithilesh Kumar, son of Lalji Ram, resident of village- Titra, P.O.- Rampur Chowram, P.S.- Rampur Chowram, Block- Karpi, District- Arwal
3. Lalit Kumar, son of Keshwar Narayan Singh, resident of village- Manjhopur, P.O.- Baramathu, P.S.- Karpi, District- Arwal
4. Akhilesh Kumar Pankaj, son of Sakrat Pandit, resident of village- Lakshmanpur Bath, P.O.- Kamta, P.S.-Parasi, District- Arwal
5. Nandlal Singh son of Chandrika Prasad Singh, resident of village- Ojha Bigha, P.O.- Baidrabad, P.S.- Arwal, District- Arwal
6. Vijay Kumar, son of Shatrudhan Sharan Singh, resident of village- Aumopur, P.O.- Belkhara, P.S.- Rampur Chowram, District- Arwal
7. Pankaj Kumar, son of Krishnlal Sharma, resident of village- Belsar, P.S.- Mahendia, District- Arwal
8. Md. Mahboob, son of Md. Hussain, Village- Muradpur Jijra, District- Arwal
9. Choudhary Charan Kumar, son of Chaman Choudhary, resident of village- Sakri, P.O.- Masuda, P.S.- Mahendia, District- Arwal
10. Munna Prasad Son of Dukhan Ram, resident of village- Jamuhari, P.O.- Jamuhari, P.S.- Mahendia, District- Arwal
11. Md. Sabir Hussain, son of Hussain Ansari, resident of village- Faridabad, P.O.- Arwal, P.S.- Arwal, District- Arwal
12. Ashok Kumar son of Radhamohan Ram, resident of village- Dhobha, P.O.- Dhobaha, Bazar, P.S.- Ara, District- Ara
13. Yugal Paswan, son of Shivpujan Paswan, resident of village- Raj Kharam, P.O.- Koil Bhupta, P.S.- Mahendia, District- Arwal
14. Sanjay Kumar Mandal, son of Ranjan Pandit, resident of village- Kodmara, P.O.- Piujranwa, P.S.- Kurtha, District- Arwal
15. Jai Prakash Singh, son of Baijnath Singh, resident of village- Chhatoi, P.O.- Manikpur, P.S.- Kurtha, District- Arwal
16. Yugal Kishore Singh, son of Shiv Sharan Singh, resident of village- Bhagwanpur, P.O.- Marmadmpur, P.S.- Parasi, District- Arwal
17. Abdul Khalik, son of Abdul Rasid, resident of village- Sherpur, P.S.- Kari, District- Arwal
18. Md. Sarfraj, son of Md. Yasin, resident of village/Mohalla- Garderdia Khand, Ward No. 13, District- Jehanabad
19. Anjani Kumar Sinha, son of Madhusudan Lal, resident of village- Jamuanwa, P.O.- Pandui, P.S.- Parasbigha, District- Jehanabad
20. Kaushal Kumar Choudhary, son of Hiralal Choudhary, resident of village- Palagardh, P.O.- Anandpur, P.S.- Rampur Chowram, District- Arwal



21. Ram Kumar Sharma, son of Sriram Sharma, resident of village- Rasidpur, P.O.- Arwal, District- Arwal
22. Sushil Kumar son of Shyam Nandan Sinha, resident of village- Mgfila, P.S.- Shankarpur Imamganj, District- Arwal
23. Anil Kumar, son of Ramchandra Prasad, resident of village- Chhariyar, P.S.- Makhdinpur, District- Jehanabad
24. Md. Shabir Ahmad Khan, son of Adbil Mannan Khan, resident of village- Kaler, P.O.- Kaler, P.S.- Kaler, District- Arwal
25. Md. Shaib Ansari, son of Ismail Ansari resident of village- Teru, P.O.- Teri, P.S.- Mahendia, District- Arwal
26. Sanjay Kumar son of Ram Naresh Singh, resident of village- Basantrigha, P.O.- Usri, P.S.- Karpi, District- Arwal
27. Maheshwari Singh, son of Jagdish Singh, resident of village- Kayal, P.S.- Karpi, District- Arwal
28. Nagendra Kumar, son of Saryu Prasad, resident of village- Rustamcha, P.O.- Gayanibigha, P.S.- Sakurabad, District- Jehanabad
29. Md. Jamil Akhtar, Son of Nizamuddin Akhtar, resident of village- Gangapur, P.O.- Kurtha, P.S.- Kurtha, District- Arwal
30. Basudeo Ram, son of Sri Ram Jatan Ram, resident of village- Arwal, P.O.- Arwal, P.S.- Arwal, District- Arwal
31. Umesh Singh son of Samaru Singh, resident of village- Satpura, P.S.- Arwal, District- Arwal
32. Nagendra Narayan, son of Sri Chandradhan Ram, resident of village- Kamla, P.S.- Arwal (Parasi), District- Arwal
33. Ramjee Thakur, son of Radha Thakur, resident of village- Kurtha, P.S.- Kurtha, District- Arwal

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, New Secretariat, Vikas Bhawan, Patna
2. The Joint Secretary, Department of Education, Government of Bihar, Vikas Bhawan, Bailey Road, Patna
3. General Administration Department, Main Secretariat, Patna
4. Director Primary Education, New Secretariat, Vikash Bhawan, Bailey Road, Patna
5. District Education Officer, Arwal
6. District Programme Officer (Establishment), cum-District Primary Teachers, Promotion Committee Education Department, Arwal

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Chandra Shekhar
For the Respondent/s : Mr. AAG6- ANJANI KUMAR

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 12-03-2018

Heard Mr. Kishore Kumar Thakur learned counsel



appearing on behalf of the petitioner and the counsel appearing on behalf of the State.

Mr. Kishore Kumar Thakur fairly submits that during the pendency of the writ application the grievance for grant of promotion of the petitioner has been redressed. However, he is now aggrieved by the different yardstick adopted by the respondents in granting benefit of such promotion. In certain cases similarly circumstanced have been granted the benefit from the date of issuance of the order but in the case of petitioner it has been granted with effect from the date of joining of the petitioner on the promotional post. The respondents are required to adopt the same yardstick after judgment of the **Apex Court in the case of R.D. Setty vs. Union of India reported in 1979 page 1628** the respondents are not allowed to adopt two different yardsticks in the matter of distribution of the largest and bounty. The State is supposed to act fairly and maintained uniform standard in the matter of grant of benefit, if the respondents have granted the benefit of promotion from the date of issuance of the order in other cases, similar stand the respondents are required to take with regard to the petitioners and they cannot adopt different yardstick in the matter of granting benefit by adopting different yardstick i.e. not from the



date of issuance of the order but from the date of joining.

In the event the respondents on verification of the record find that they have granted benefit of similarly circumstanced other teachers from the date of issuance of notification, the respondents are required to rectify its mistakes and grant similar benefit to the petitioner from the date of issuance of notification instead of from the date of joining.

The court hope and trust that necessary corrective measure will be taken by the respondents within a period of sixty days from the date of receipt/production of a copy of this order either they have to rectify the mistake and grant the benefit with effect from the date of notification or if inadvertently others have been granted benefit from the date of notification instead of from the date of joining the necessary corrective orders are required to be passed by the respondents after giving opportunity of hearing of the persons likely to be adversely affected.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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