

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.681 of 2015

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Harishankar Choudhary Son of Late Lalji Chaudhary, Assistant Teacher, Govt. Middle School Alasgarh, Block Andar, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna
3. The District Magistrate Cum Collector, Siwan
4. The District Education Officer, Siwan
5. The District Programme Officer (Establishment), Siwan
6. Ravindra Yadav Son of not known, Assistant Upgraded Girl's Middle School, Sohagra, Block Guthani, Distt- Siwan.
7. Om Prakash Pandey Son of not known, Assistant Upgraded Girl's Middle School, Naupali, Block & Distt- Siwan.
8. Sunil Kr. Mishra Son of not known, Assistant Upgraded Girl's Middle School, Jawskri, Block & Distt- Siwan.
9. Mukul Kumar Singh son of not known, Assistant Upgraded Girl's Middle School, Orma, Block & Distt- Siwan.
10. Ashok Kumar Mishra Son of not known, Assistant Upgraded Girl's Middle School, Goharua, Block Guthani, Distt- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Advocate
For the State	:	Mr. Manoj Kumar, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 13-09-2018

Heard learned counsel for the petitioner; State and respondent no. 9.

2. Learned counsel for the petitioner is permitted to correct the description of the respondent no. 5 in the cause title of the writ petition. Let the same be done during the course of the day.

3. The petitioner has moved the Court for the following reliefs:



“ That this is an application for issuance of a writ in the nature of mandamus or any other appropriate writ to grant and give promotion in B.Sc. trained teacher scale w.e.f. December 2013 since the juniors to the petitioner have been granted promotion in B.Sc. trained scale w.e.f. Dec. 2013 and the petitioner has the requisite qualification for the aforesaid promotion and post/scale and there are is still vacant post of B.Sc. trained Scale and for other order/orders, direction/directions writ/writs, relief/reliefs to which the petitioner is found entitled to.”

4. Many materials have been brought on record of the present case but the position today is that the petitioner finds place in the list of eligible persons, who are fit to be granted promotion in B.Sc. Trained Scale. The Court has been informed that the matter is pending before the respondent no. 5. Thus, when the matter is already pending consideration before the authority, the Court would not pre-judge the matter or give any specific direction. It would suffice to direct the authority to complete the exercise expeditiously.

5. Learned counsel for the parties agree to the same.

6. Accordingly, the writ petition stands disposed off with a direction to the respondent no. 5 to consider the matter relating to promotion to the Graduate Trained Scale of all the eligible persons,



including the petitioner, and take matters to their logical conclusion.
The same be done expeditiously and latest within a period of three months from the date of production of a copy of this order before him.

7. It goes without saying that the authorities shall keep in mind all relevant resolutions/circulars/ decisions of the Court as well as the Government. The parties shall be at liberty to take steps, if aggrieved by such decision, in accordance with law, before the appropriate forum.

(Ahsanuddin Amanullah, J)

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