

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10805 of 2018

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Sita Ram Sah Son of Shri Chandeshwar Sah Resident of Village - Sardarganj,
Post Office - Serukahan, P.S. - Mashrakh, District - Saran, At present posted
and working as an Assistnat Teacher in Govt. Kanya Primary School Jarang
Gotuli, Anchal - Gayghat, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The District Education Officer, Muzaffarpur.
6. The District Programme Officer, (Establishment), Muzaffarpur.
7. The Block Education Officer, Gayghat, Dist - Muzaffarpur.
8. The District Accounts Officer, Muzaffarpur.
9. The District Treasury Officer, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Madhaw Pd. Yadaw, GP-23

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-07-2018 Heard the parties.

In the present writ application, the following reliefs
have been sought for on behalf of the petitioner :

1(I) For issuance of an appropriate writ in the
nature of mandamus for commanding directing
the respondent authorities concerned to grant
senior scale/time bound promotion/A.C.P. to the
petitioners w.e.f. the date of their joining i.e.
after completion of 12 years of service as as
assistant teacher in the matric trained post in the
light of the Bihar Elementary School Teacher's
Promotion Rule, 1993 read with order dated



08.03.2013 passed by the Hon'ble Apex Court in S.L.P. (Civil) No.5520-22 of 2013.

(II) For issuance of an appropriate writ as an alternative prayer for commanding and directing the respondent authorities concerned to provide the same and similar benefits to the petitioners under Bihar State Litigation Policy 2011 under Rule 4(c), as per the direction of the Hon'ble High Court, Patna passed in the case of similarly situated teachers, orders dated 31.03.2011 passed in CWJC No.6139/2017 Ram Ashis Tiwary & Ors Vs. The State of Bihar & Ors and order dated 01.11.2017 passed in CWJC No.14670 of 2014 Smt. Kumari Kalpana Rani Vs. The State of Bihar & Ors.

(III) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to grant all consequential benefits to the petitioners from their due date of entitlement in the senior pay scale with all consequential benefits.

It has been submitted that the case of the petitioner is squarely covered by the order dated 31.03.2011 passed in C.W.J.C. No.6139 of 2007 and order dated 16.08.2017 passed in L.P.A. No.756 of 2015 and order dated 01.11.2017 passed in C.W.J.C. No.14670 of 2014.



The respondent No.6 i.e. The District Programme Officer (Establishment), Muzaffarpur is directed to examine the case of the petitioners in the light of the cases as referred above and dispose of the case of the petitioner in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

If the petitioner is entitled to the reliefs sought for, the respondents will be obliged to pass an order taking into account the Clause 4.(C)(1) of the State Litigation Policy.

With the aforesaid observation and direction, the present writ application stands disposed of.

(Sudhir Singh, J)

Narendra/-

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