

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10101 of 2018

1. Lalan Kumar Son of Late Ram Bahadur Singh Resident of Mohalla - Sahdeo Path, Near Ravi Chowk, Road No. 14, East Patel Nagar, L.B.S. Nagar, P.S. Shastri Nagar, District - Patna, Assistant Teacher, Govt. Middle School Chiraura, Block Naubatpur, District - Patna.
2. Rabindra Kumar Sinha Son of Late Madhusudan Prasad Sinha Resident of Mohalla - New Damarja, P.S. - Gardanibagh, District - Patna, Assistant Teacher, Govt. Upgraded Middle School Gadaipur, Block - Naubatpur, District - Patna.
3. Krishna Prasad Singh Son of Late Nawab Ray Resident of Mohalla - Raghunath Tola, Post Office - Anisabad, P.S. - Gardanibagh, District - Patna, Assistant Teacher, Govt. Upgraded Middle School Makhdumpur, Block - Phulwarisharif, District - Patna.
4. Hari Ji Son of Late Jatadhari Prasad Srivastava Resident of Village + Post Office - Afaur, P.S. - Kahira (O.P. Nagara), District - Saran, Assistant Teacher, Govt. Upgraded Middle School Dihari, Block - Punpun, District - Patna.
5. Ramesh Kumar Verma Son of Late Yogeshwar Prasad Verma Resident of Mohalla - Sipara, P.S. - Beur, District - Patna, Assistant Teacher, Govt. Upgraded Middle School Jhaichak, Block - Fulwari, District - Patna.
6. Lal Babu Singh Son of Late Badri Prasad Resident of Mohalla - South Mandiri, Budha Colony, P.S. - Budha Colony, District - Patna, Assistant Teacher, Govt. Upgraded Middle School Bhelwara, Block - Sampatchak, District - Patna.
7. Chandrika Saw Son of Late Darbari Saw Resident of Village - Goriya Dara, P.S. - Janipur District - Patna, Assistant Teacher, Adhunik Shishu Middle School Khagaul, Block Danapur, District - Patna.
8. Mahendra Prasad Son of Late Bhola Ray Resident of Mohalla - Chhoti Khagaul Kachhi Talab (Kayastha Toli), P.O. + P.S. - Khagaul, District - Patna, Assistant Teacher, Govt. Primary School Kothiya, Block - Danapur, District - Patna.
9. Wasi Ahmad Son of Late Ali Mohammad Resident of Mohalla - Damaria, C/o Pir Mohammad, P.S. - Gardanibagh, District - Patna. Assistant Teacher, Govt. Urdu Primary School, Dumari, Block - Punpun, District - Patna.
10. Birendra Kumar Sinha Son of Late Saryug Prasad Resident of Village + Post Office - Choursua, P.S. - Giriyak, District - Nalanda, At present residing at Mohalla - Lanka Colony, Quarter No. 331-A, P.O. + P.S. - Khagaul, Dist - Patna, Assistant Teacher, Govt. Kanya Primary School Bela, Block - Punpun, District - Patna.
11. Shyam Nandan Prasad Son of Late Chandradeep Ray Resident of Mohalla - Millat Colony, Bari Khagaul, P.S. - Khagaul, District - Patna, Assistant Teacher, Govt. Primary School Sri Rampur - 2, Block - Bihta, District - Patna.



12. Nakul Prasad Singh Son of Late Jagdish Singh Resident of Village - Bahadurpur, P.S. - Phulwarisharif, District - Patna, Assistant Teacher, Govt, Upgraded Middle School, Korra, Block - Phulwarisharif, District - Patna.
13. Prakash Kumar Son of Late Yogendra Kumar Resident of Mohalla - Kazibagh, Gulzarbagh, P.S. - Alamganj, District - Patna. At present residing at C/o Laxman Prasad, Mohalla - Idgah Road, Bhadrachhat, Gulzarbagh, District - Patna. Assistant Teacher, Govt. Upgraded Middle School Jalkaddarbagh, Block - Patna Sadar, District - Patna.
14. Binay Kumar Verma Son of Late Hare Krishna Prasad Resident of Mohalla - Dewan Mohalla, Tarni Pd. Lane, Khangar Gali, Patna City, P.S. - Khajekalan, District - Patna, Assistant Teacher, Govt. Primary School Hajipur - Narayanpur, Block - Naubatpur, District - Patna.
15. Mithlesh Kumar Son of Late Hari Prasad Resident of Mohalla - Terhi Ghat, P.S. - Khajekalan, Patna City, District - Patna. Assistant Teacher, Govt. Kanya Primary School Maida Toli, Block - Patna Sadar, District - Patna.
16. Umesh Prasad Son of Late Rambricha Prasad Thakur Resident of Mohalla - Gaighat Nala (Gaighat South Lane), P.O. - Gulzarbagh, P.S. - Alamganj, District - Patna, Assistant Teacher Govt. Primary School Rampur, Block - Naubatpur, District - Patna.
17. Rajendra Prasad Son of Late Laxmi Narayan Resident of Mohalla - Kasertoli, Patna City, P.S. - Khajekalan, District - Patna, Assistant Teacherin Govt. Navin Kanya Primary School Nuruddin Ganj, Malsalami, Patna City, Block - Patna Sadar, District - Patna.
18. Virendra Prasad Sinha Son of Late Vijay Kishor Prasad Sinha Resident of Mohalla - Ganganpura Shahpur, Near Govt. Tube Well, P.S. Ramkrishnanagar, District - Patna, Assistant Teacher Govt. Bayaparmandan Kanya Middle School Fatuha, Block - Fatuha, District - Patna.
19. Vijay Kumar Sinha Son of Late Rameshwar Prasad Sinha Resident of Mohalla - Mahatma Gandhi Nagar, P.S. - Agamkuan, District - Patna, Assistant Teacher Govt. Primary School Mulnachak, Block - Patna Sadar, District - Patna.
20. Sudhir Kumar Sahay Son of Late Pasupati Nath Sahay Resident of Mohalla - Old Jakkanpur, D.V.C. Chowk, Post Office - G.P.O., Patna, P.S. - Gardanibagh, District - Patna, Assistant Teacher, Govt. Primary School Marha Bigha, Block - Dhanarua, District - Patna.
21. Durga Prasad Shaw Son of Late Sukhdeo Prasad Shaw Resident of Mohalla - Chandmari Road, P.S. - Kankarbagh, District - Patna, Assistant Teacher, Govt. Upgraded Middle School Chandasi, Block - Punpun, District - Patna.
22. Arun Kumar Verma Son of Kedar Nath Verma Resident of Mohalla - Purvi Ashok Nagar, Road No. 14, P.S. - Kankarbagh, District - Patna, Assistant Teacher, Govt. Jhugi Jhopdi Primary School Begampur, Patna City, Block - Patna Sadar, District - Patna.



23. Randhir Kumar Sinha Son of Late Narendra Kumar Sinha Resident of Mohalla - Chiraiya Tand, Postal Park, Budha Nagar, Road No. 1, P.S. - Kankarbagh, District - Patna, Assistant Teacher, Govt. Kanya Primary School, Motipur, Block Naubatpur, District - Patna.
24. Kaushlendra Kumar Sinha Son of Late Triveni Prasad Resident of Village - Purushottampur, P.O. Amarpura, P.S.- Naubatpur ,District - Patna, Assistant Teacher, Govt. Middle School Saguna, Block - Danapur, District - Patna.
25. Deepak Kumar Son of Late Dinanath Thakur Resident of Mohalla - Salimpur Ahara, P.O. - Kadam Kuan, P.S. - Gandhi Maidan, District - Patna, Assistant Teacher, Govt. Primary School Rauniya, Block - Naubatpur, District - Patna.
26. Gautam Kumar Sarkar Son of Late Adhir Chand Sarkar Resident of Mohalla - Chand Mari Road, Gali No. 11, P.S. - Kankarbagh, District - Patna, Assistant Teacher, Govt. Primary School Tillu Tola, Block - Naubatpur, District - Patna.
27. Manoranjan Kumar Sinha Son of Late Shanti Sharup Singh Resident of Mohalla - Bari Khagaul, P.S. - Khagaul, District - Patna, Assistant Teacher, Govt. Primary School Korra (SC), Block - Phulwarisharif, District - Patna.
28. Arvind Kumar Son of Late Yogendra Kumar Resident of Mohalla - Kazibagh, P.O. - Gulzarbagh, P.S. - Alamganj, District - Patna, Assistant Teacher, Govt. Kanya Middle School Sharifganj, Maal Salami, Patna City, Block - Patna Sadar, District - Patna.
29. Kripa Nand Gupta Son of Late Baijnath Prasad Resident of Mohalla - Sakri Gali, P.O. - Gulzarbagh, P.S. - Alamganj, District - Patna, Assistant Teacher, Govt. Primary School Jujharpur, Block Sampatchak, District - Patna.
30. Md. Ilyas Son of Late Md. Naeemuddin Resident of Mohalla - Haque Manzil, Chowa Lal Lane, Nawab Bahadur Road, Patna City, P.S. - Khajekalan, District - Patna, Assistant Teacher in Govt. Urdu Middle School Gulzarbagh, Block - Patna Sadar, District - Patna.
31. Ram Mohan Prasad Son of Late Sheo Narayan Verma Resident of C - 02, Saket Bihar Apartment, Khajpura, Bailey Road, P.S. - Hawaii Adda, District - Patna, Assistant Teacher, Govt. Middle School Turha Toli, Block - Danapur, District - Patna.
32. Kishor Kumar Sinha Son of Late Brij Bihari Lal Resident of Mohalla - Hanuman Path, Gali No. 5, Chand Mari Road, P.S. - Kankarbagh, District - Patna. Assistant Teacher, Govt. Primary School Khaira Toli, Block - Sampatchak, District - Patna.
33. Girish Kumar Gupta Son of Late Ganesh Prasad Gupta Resident of Ganesuda Niwas, At Sadiquepur, P.O. - Gulzarbagh, P.S. - Alamganj, District - Patna. Assistant Teacher, Govt. Middle School Maheshpur, Block - Patna Sadar, District - Patna.
34. Kamal Kumar Verma Son of Late Aditya Narayan Verma Resident of Mohalla - Durga Charan Lane, P.O. - Gulzarbagh, P.S. - Alamganj, District - Patna. At present residing at Mgalpura, Patna City, Assistant Teacher in Govt. Mahila Charkha Middle School Mogalpur, Patna City, Block - Patna Sadar, District - Patna.



35. Jitendra Prasad Son of Late Brahamdeo Lal Resident of Mohalla - Diwan Mohalla - Ramjani Chauraha, P.S. - Khajekalan, Patna City, District - Patna, Assistant Teacher, Govt. Press Middle School, Gulzarbagh, Block - Patna Sadar, District - Patna.
36. Shoaib Ali Salam Son of Late Abdus Salam Resident of Mohalla - Salam Market, Machharhatta, Patna City, P.S. - Kahjekalan, District - Patna, Assistant Teacher, Govt. Urdu Middle School Dundi Bazar Chowk, Block - Patna Sadar, District - Patna.
37. Jagdish Singh Son of Late Radha Singh Resident of Village - Naulagarh, P.S. - Bhagwanpur, District - Begusarai, Assistant Teacher, Govt. Kanya Middle School Ranipur Chowk, Block - Patna Sadar, District - Patna.
38. Krishna Kant Son of Late Kamala Kant Prasad Resident of Mohalla - East Lohanipur, Kashi Nath Lane, P.O. + P.S. - Kadamkuan, District - Patna, Assistant Teacher, Govt. Upgraded Middle School Khaspur, Block - Patna Sadar, District - Patna.
39. Rajni Kant Son of Late Kishuni Sharan Singh Resident of Village - Aropur, P.O. - Amarpura, P.S. - Naubatpur, District - Patna, Assistant Teacher, Govt. Primary School Nisharpura, Block - Naubatpur, District - Patna.
40. Ashok Kumar Son of Late Bhubneshwar Thakur Resident of Village - Chhoti Tangraila, P.O. - Amarpura, P.S. - Naubatpur, District - Patna, Assistant Teacher, Govt. Primary School Dariyapur, Block - Naubatpur, District - Patna.
41. Brahmdeo Lal Son of Late Hardy Lal Resident of Village - Barni, P.S. - Dhanaura, District - Patna, Assistant Teacher, Govt. Upgraded Middle School Chanduara, Block - Punpun, District - Patna.
42. Om Prakash Son of Late Bhagwan Ram Resident of Village - Nijampur, P.S. - Naubatpur, District - Patna, Assistant Teacher, Govt. Middle School Dariyapur - 2, Block - Naubatpur, District - Patna.
43. Sahanand Ray Son of Deonandan Prasad Yadav Resident of Village - Chhoti Tangraila, P.S. - Naubatpur, District - Patna, Assistant Teacher, Govt. Primary School Nisharpura, Block - Naubatpur, District - Patna.
44. Bharat Bhushan Son of Late Narayan Singh Resident of Village - Bharsua, P.S. - Ben, District - Nalanda, At present residing at Gannipur, Sakriacha, Phulwarisharif, District - Patna, Assistant Teacher, Govt. Middle School Gannipur, Sakraicha, Block - Phulwarisharif, District - Patna.
45. Dharmendra Prasad Son of Late Sadan Prasad Resident of Village - Sahari, P.S. - Ghoswari, District - Patna, Assistant Teacher in Govt. Middle School Ramna, Gulzarbagh, Block Patna Sadar, District - Patna.
46. Pradeep Kumar Chaudhary Son of Late Jaynarayan Chaudhary Resident of Village - Katauna, P.S. - Khusrupur, District - Patna, Assistant Teacher, Govt. Middle School Ramna, Gulzarbagh, Block - Patna Sadar, District - Patna.
47. Jay Prakash Narayan Sinha Son of Late Bharat Prasad Sinha Resident of Mohalla - Rai Jay Krishna Road, Gurhatta, P.S. - Khajekalan, District - Patna, Assistant Teacher in Govt.



Upgraded Middle School Jethuli, Block - Fatuha, District - Patna.

48. Deepak Kumar Son of Late Ramnath Singh Resident of Diwan Mohalla, Dulli Ghat, Patna City, P.S. - Khajekalan, District - Patna, Assistant Teacher, Govt. Middle School Maheshpur Chowk, Block - Patna Sadar, District - Patna.
49. Amit Kumar Son of Late Ambika Prasad Tiwari Resident of Mohalla - Noorpur, Patna City, P.S. - Malsalami, District - Patna, Assistant Teacher, Govt. Middle School Maheshpur Chowk, Block - Patna Sadar, District - Patna.

... .. 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, Patna.
6. The District Programme Officer, (Establishment), Patna.
7. The Block Education Officer, Phulwarisharif, District - Patna.
8. The Block Education Officer, Danapur, District - Patna.
9. The Block Education Officer, Punpun, District - Patna.
10. The Block Education Officer, Sampatchak, District - Patna.
11. The Block Education Officer, Dhanarua, District - Patna.
12. The Block Education Officer, Naubatpur, District - Patna.
13. The Block Education Officer, Bihta, District - Patna.
14. The Block Education Officer, Fatuha, District - Patna.
15. The District Accounts Officer, Patna.
16. The District Treasury Officer, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Prabhakar Jha, GP-27

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 petitioners :

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 petitioners 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), Patna 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 petitioners in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

If the petitioners are 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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