

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8150 of 2017

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1. Taramani Kumari, wife of Sri Ram Keshwar Singh, resident of Ward No.15, Anup Bigah, PO- Daud Nagar, PS- Daud Nagar, District- Aurangabad.
 2. Kamla Kumari, wife of Sri Lalan Choudhary, resident of Ward No.15, Gola Road, PO- Daud Nagar, PS- Daud Nagar, District- Aurangabad.
 3. Savitri Kumari, wife of Sri Arvind Kumar, resident of Ward No.11, Sutahatti Gali, PO- Daud Nagar, PS- Daud Nagar, District- Aurangabad.
 4. Tej Narain Singh, son of Late Sundar Dev Singh, resident of Ward No.22, New Area, Maulabagh, PO- Daud Nagar, PS- Daud Nagar, District- Aurangabad. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
 2. The Director (Primary Education), Bihar, Patna.
 3. The Regional Deputy Director of Education, Magadh Division, Gaya.
 4. The District Education Officer, Aurangabad.
 5. The District Programme Officer (Establishment), Aurangabad. Respondent/s
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Appearance :

For the Petitioner/s	:	Mr. Krishna Kant Tiwari, Advocate Mr. Dilip Kumar Tewari, Advocate
For the State	:	Mr. Prabhat Ranjan Singh, AC to AAG-15

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 09-05-2018 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Two fold grievances have been raised by the petitioners in the present writ application; firstly, that the petitioners have been granted promotion from a date subsequent to the grant of promotion to the juniors. It is submitted that the juniors have been granted promotion w.e.f. 17.12.2016 but notwithstanding seniority of the petitioners, the respondents have granted promotion to these petitioners w.e.f.



15.04.2017. According to Mr. Dilip Kumar Tiwari, learned counsel for the petitioners, such order cannot sustain and the petitioners deserve at least the benefit of promotion with effect from the date juniors have been granted such promotion.

The second limb of argument of Mr. Tiwari is that the petitioners have not been posted according to options exercised by them.

With reference the statements made in para 13 of the writ petition, Mr. Tiwari submits that the petitioners have been placed at Serial Nos. 10, 40, 78 and 81 respectively in the seniority list and many persons junior to the petitioners have been granted promotion w.e.f. 17.12.2016.

With reference to the statements made in para 17 of the writ petition Mr. Tiwari submits that 288 persons out of the said seniority list have been granted such promotion vide memo no. 3460 dated 17.12.2016, which is indicative of the fact that juniors have been granted such promotion w.e.f. 17.12.2016.

Considering the above facts and circumstances, the Court is of the considered view that the petitioners deserve the benefit of promotion from the date juniors have been granted such promotion vide Annexure 3.



Considering the fact that the issue as to exercise of option and posting according to the option, is a matter of enquiry at the level of the District Education Officer, Aurangabad. Accordingly, the Court grants liberty to the petitioners to file exhaustive representation indicating therein that as per the settled principles applicable in the matter of posting, the respondents-authority are required to work out the posting of the petitioners according to their options.

In the result, the writ petition is allowed to the extent that petitioners shall be entitled to grant of benefit of promotion w.e.f. 17.12.2016, the date from which juniors have granted such promotion and the issue of posting, according to the option of the petitioners, is to be worked out by the respondents within a period of three months from the date of receipt/production of a copy of this order.

The writ application is allowed and disposed of to the extent indicated hereinabove.

(Anil Kumar Upadhyay, J)

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