

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10964 of 2018**

1. Amar Nath Singh, Son of Late Dhup Nath Singh, Resident of Village + Post office-Ramgarha, Police Station- Daraunda, District- Siwan. At present posted and working as an Assistant Teacher in Govt. Primary School Sadeeha, Anchal- Bhagwanpur Hat, District- Siwan.
2. Jaykishore Singh, Son of Late Chhavila Singh, Resident of Village- Piparahiyan, Police Station- Bhagwanpur Hat, District- Siwan. At present posted and Working as an Assistant Teacher in Govt. Primary School Mora Girls, Anchal- Bhagwanpur Hat, District- Siwan.
3. Md. Hasmuddin, Son of Md. Kasim, Resident of Village + Post Office- Sarai Via Goreakothi, Police Station- Goreakothi, District- Siwan Presently residing at M.M Nagar, P.S.- Siwan, District- Siwan. At present posted and Working as an Assistant Teacher in Govt. Upgraded Middle School Kutubchapra Urdu, Anchal- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Siwan.
5. The District Education Officer, Siwan.
6. The District Programme Officer (Establishment) Siwan.
7. The Block Education Officer, Bhagwanpur Hat, District- Siwan.
8. The Block Education Officer, Hussainganj, District- Siwan.
9. The District Treasury Officer, Siwan.
10. The District Accounts officer, Siwan.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv.  
For the Respondent/s : Mr. Subhash Chandra Mishra- SC16

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      06-08-2018

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 i.e. from the date of appointment 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 24.07.2018 passed in C.W.J.C. No.10101 of 2018.

The respondent No.6 i.e. The District Programme Officer (Establishment), Siwan 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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