

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11050 of 2018

1. Digvijay Kumar, Son of Late Ramyad Singh, Resident of Mohalla- Veer Kunwar Singh Colony, Police Station- Magadh Medical College, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Yogapur, Anchal- Sherghati, District- Gaya.
2. Geeta Rani, Wife of Late Sudhir Kumar, Resident of Mohalla- Mustafabad, Bank Colony, H.No. 220J, Police Station- Rampur, District- Gaya. at present posted and working as a Headmaster in Govt. Uchh Buniyadi School Cherki, Anchal- Bodh Gaya, District- Gaya.
3. Suman Lata, Wife of Nagesh Sharan Roy, Resident of Village+Post- Karma Bhagwan, Police Station- Aurangabad, District- Aurangabad. at present posted and working as a Headmaster in Govt. Middle School Bishunpur-2, Anchal- Amas, District- Gaya.
4. Ganesh Prasad, Son of Rajnandan Ram, Resident of Mohalla- Bairagi, Post Office- R.S. Gaya, Police Station- Delha, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Karmaine Mor, Anchal- Amas, District- Gaya.
5. Ramashish Chaudhary, Son of Puran Chaudhary, Resident of Village- Bithosharif, Police Station- Chakand, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Dhindhaur Bigha, Anchal- Belaganj, District- Gaya.
6. Chandrashekhar Azad, Son of Ganauri Prasad, Resident of Village- Ghatera, Police Station- Guraru, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Akauna, Anchal- Amas, District- Gaya.
7. Pramila Kumari, Wife of Chandrashekhar Azad, Resident of Village- Bherhariya, Police Station- Paliganj, District- Patna. at present posted and working as a Headmaster in Govt. Middle School Vishungang, Anchal- Nagar Prakhand, District- Gaya.
8. Nibha Kumari, Wife of Late Birendra Kumar Sinha, Resident of Mohalla- House No. 1841-A, Gurukripa, A.P. Colony, Police Station- Rampur, District- Gaya. at present posted and working as an Assistant Teacher in Govt. Middle School Ghughari Tand, Anchal- Nagar Nigam (S), District- Gaya.
9. Meena Kumari, Wife of Late Birendra Kumar Roy, Resident of Village- Lehra, Police Station- Riwan Rohtas, District- Rohtas. at present posted and working as an Assistant Teacher in Govt. Middle School Baksu Bigha, Anchal- Nagar Nigam (S), District- Gaya.
10. Md. Soaib Uddin, Son of Badruddin, Resident of Mohalla- Abgila, Police Station- Muffasil, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Budhaul, Anchal- Fatehpur, District- Gaya.
11. Sanjay Kumar, Son of Late Rajendra Mishra, Resident of Mohalla- Dandi Bagh, Police Station- Vishnupad, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Nimmi, Anchal- Fatehpur, District- Gaya.



12. Haider Ali, Son of Late Mazid Ali, Resident of Mohalla- Aliganj Road No.9, Post Office- Sadar Gaya, Police Station- Chandauti, District- Gaya. at present posted and working as an Assistant Teacher, in Govt. Middle School Shahmir Takya, Anchal- Nagar Nigam (S), District- Gaya.
13. Md. Marghub Alam Ansari, Son of Md. Neyamat Ansari, Resident of Village- Imlitar, Gewal Bigha, Post Office- Gaya, Police Station- Rampur, District- Gaya. at present posted and working as an Assistant Teacher in Govt. Urdu Primary School Panchayati Akhara, Anchal- Nagar Nigam (M), District- Gaya.
14. Md. Tariqu, Son of Md. Siddique, Resident of Mohalla- Haridas Chatarjee Lane, Durga Bari, Gaya, Post Office- H.O. Gaya, Police Station- Civil Line, District- Gaya. at present posted and working as an Assistant Teacher in Govt. Urdu Kanya Middle School Karimganj, Anchal- Nagar Nigam (N), District- Gaya.
15. Sanjay Kumar, Son of Saryoo Singh, Resident of Village- Meera Bigha, Police Station- Chakand, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Bhalua-1, Anchal- Belaganj, District- Gaya.
16. Vimal Kumar, Son of Siv Narayan Prasad, Resident of Village- Dighi Maulagnaj, Post Office- Dighi, Police Station- Konch, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Burma, Anchal- Guraru, District- Gaya.
17. Rakesh Kumar Chaudhary, Son of Sri Mundrika Prasad, Resident of Village- Imamganj, Post Office- Imamganj, Police Station- Imamganj, District- Gaya. at present posted and working as an Assistant in Govt. Middle School Gajanpur, Anchal- Paraiya, District- Gaya.
18. Bipin Kumar Verma, Son of Sri Vishundeo Prasad, Resident of Village- Kachnawa, Post Office- Kachnawa, Police Station- Belaganj, District- Gaya. at present posted and working as an Assistant Teacher in Govt. Middle School Gend Bigha, Anchal- Guraru, District- Gaya.
19. Binod Kumar Navin, Son of Late Kishori Prasad, Resident of Village- Surajpur, Post Office- Khanpur, Police Station- Atari, District- Gaya. at present posted and working as an Assistant Teacher in Govt. Middle School Madan Bigha, Anchal- Town, District- Gaya.
20. Ram Dahin Paswan, Son of Late Chandrika Paswan, Resident of Village- Ramuachak, Post Station- Amas, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Bajitpur, Anchal- Amas, District- Gaya.
21. Ravi Nandan Kumar Chaudhary, Son of Sri Mundrika Prasad, Resident of Village- Imamganj, Post Office- Imamganj, Police Station- Imamganj, District- Gaya. at present posted and working as an Assistant Teacher in Govt. Middle School Kendua, Anchal- Imamganj, District- Gaya.
22. Shiv Ratan Ram, Son of Late Kesar Ram, Resident of Village- Jharaja, Police Station- Imamganj, District- Gaya. at present posted and working as an Assistant Teacher in Govt. Middle School Kadirganj, Anchal- Imamganj, District- Gaya.



23. Awadh Kishore Chaudhary, Son of Sri Mundrika Prasad, Resident of Village- Imamganj, Post Office- Imamganj, Police Station- Imamganj, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Bahera Chauabar, Anchal- Imamganj, District- Gaya.
24. Anuj Kumar Sinha, Son of Sri Ram Charan Singh, Resident of Mohalla- Chhotki Delha, Police Station- Delha, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Belma, Anchal- Tekari, District- Gaya.
25. Mithilesh Kumar, Son of Sri Tal Keshwar Sharma, Resident of Village- Chainpura, Police Station- Tekari, District- Gaya. at present posted and working as an Assistant Teacher in Govt. Middle School Rupaspur, Anchal- Tekari, District- Gaya.
26. Vikrama Kumar, Son of Late Shiv Janam Ram, Resident of Village- Baruna, Police Station- Itadhi, District- Buxar. at present posted and working as a Headmaster in Govt. Middle School Alipur, Anchal- Tekari, District- Gaya.
27. Surendra Paswan, Son of Mundrika Paswan, Resident of Village- Usas, Post Office- Usas, Police Station- Konch, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Kesho Bigha, Anchal- Tekari, District- Gaya.
28. Kedar Nath Prasad, Son of Sri Ram Awtar Das, Resident of Village- Chamandih, Police Station- Chandauti, District- Gaya. at present posted and working as an Assistant Teacher in Govt. Middle School Sherpura, Anchal- Tekari, District- Gaya.
29. Anil Kumar Paswan, Son of Sri Ram Shankar Paswan, Resident of Village- Toralpur, Police Station- Suryagadha, District- Lakhisarai. at present posted and working as a Headmaster in Govt. Middle School Salempur-1, Anchal- Tekari, District- Gaya.
30. Md. Shuyeb Alam, Son of Late Md. Ghulam Navi, Resident of Village- Titaiganj, Police Station- Tekari, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Chakmath, Anchal- Tekari, District- Gaya.
31. Mukesh Kumar, Son of Sri Rameshwar Prasad, Resident of Mohalla- Kumar Colony, Maharani Road, Police Station- Kotwali, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Pathara-1, Anchal- Imamganj, District- Gaya.
32. Om Prakash Gupta, Son of Sri Narayan Prasad, Resident of Mohalla- Kumar Colony, Police Station- Kotwali, District- Aya. at present posted and working as a Headmaster in Govt. Middle School Mahugaine, Anchal- Wazirganj, District- Gaya.
33. Mithlesh Prasad, Son of Late Ramdhani Mahto, Resident of Village- Jhilganj, Police Station- Kotwali, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Shanker Bigha, Anchal- Wazirganj, District- Gaya.
34. Chandra Mani Kumar, Son of Sri Ramawtar Mehta, Resident of Village- Janakpur, Police Station- Muffasil, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Biraj, Anchal- Imamganj, District- Gaya.

... .. Petitioner/s



Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
5. The District Education Officer, District- Gaya.
6. The District Programme Officer (Establishment), District- Gaya.
7. The Block Education Officer, Sherghati, District- Gaya.
8. The Block Education Officer, Belaganj, District- Gaya.
9. The Block Education Officer, Wazirganj, District- Gaya.
10. The Block Education Officer, Khizersarai, District- Gaya.
11. The Block Education Officer, Atari, District- Gaya.
12. The Block Education Officer, Bodhgaya, District- Gaya.
13. The Block Education Officer, Barachatti, District- Gaya.
14. The Block Education Officer, Gurua, District- Gaya.
15. The Block Education Officer, Konch, District- Gaya.
16. The Block Education Officer, Tekari, District- Gaya.
17. The Block Education Officer, Paraiya, District- Gaya.
18. The Block Education Officer, Guraru, District- Gaya.
19. The Block Education Officer, Imamganj, District- Gaya.
20. The Block Education Officer, Amas, District- Gaya.
21. The Block Education Officer, Nagar Prakhanda, District- Gaya.
22. The Block Education Officer, Nagar Nigam (S), District- Gaya.
23. The Block Education Officer, Nagar Nigam (N), District- Gaya.
24. The Block Education Officer, Fatehpur, District- Gaya.
25. The Block Education Officer, Town, District- Gaya.
26. The Block Education Officer, Imamganj, District- Gaya.
27. The District Accounts Officer, District- Gaya.
28. The District Treasury Officer, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Kameshwar Kumar, GP-17

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-07-2018 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), District Gaya 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)

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