

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19997 of 2018

1. Gautam Kumar Son of late Rajeshwar Singh Resident of Village- Jagdishpur, Post Office- Singhchak Halt, Police Station- Suryagarha, District- Lakhisarai, Presently Posted as Assistant Teacher in Middle School, English, Block- Suryagarha, District- Lakhisarai.
2. Pankaj Kumar Son of late Basant Prasad Mahto Resident of Village- Jhapani, Post Office- Kiranpur, Police Station- Mednichauki, District- Lakhisarai, Presently Posted as Assistant Teacher in Girls Primary School, Maksaspur, Block- Suryagarha, District- Lakhisarai.
3. Ramashray Yadav Son of late Mahaveer Yadav Resident of Village-Narayanpur, Post Office- Ramgarh, Police Station- Ramgarh Chowk, District- Lakhisarai, Presently Posted as Assistant Teacher in upgraded middle School, Shahnagar, Block- Ramgarh Chowk, District- Lakhisarai.
4. Santosh Kumar Son of Kapildeo Prasad Singh Resident of Village+P.O. Kiranpur, Police Station- Mednichauki, District- Lakhisarai, Presently Posted as Assistant Teacher in Middle School, Lathia, Block- Suryagarha, District- Lakhisarai.
5. Rubi Kumari Wife of late Neeraj Singh Resident of Village- Singarpur, Post Office- Sahur, Police Station- Suryagarha, District- Lakhisarai, Presently Posted as Assistant Teacher in upgraded Middle School, Singarpur, Block- Suryagarha, District- Lakhisarai.
6. Bibha Kumari@ Vibha Kumari Daughter of late Ugeshwar Jha Resident of Village- Maheshpur, Post Office+Police Station- Piri Bazar, district- Lakhisarai, Presently Posted as Assistant teacher in Middle School, Maheshpur, Block- Suryagarha, District- Lakhisarai.
7. Sanjay Kumar Son of late Radhe Shyam Mehta Resident of Village- Manikpur, Post Office- Kawalpur, Police station- Manikpur, District- Lakhisarai, Presently Posted as Assistant Teacher in Middle School, Manikpur, Block- Suryagarha, District- Lakhisarai.
8. Ranjeet Kumar son of late Yogendra Mahto Resident of Village+Post Office- Paharpur, Police Station- Mednichauki, District- Lakhisarai, Presently Posted as Assistant Teacher in Middle School, Mustafapur, Block- Suryagarha, District- Lakhisarai.
9. Ranjana Kumari Daughter of late Birendra Kumar Resident of Village- Malpur, Post Office+Police Station- Piparia, District- Lakhisarai, Presently posted as Assistant teacher in upgraded Middle School, Suryagarha, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education Government of Bihar, Patna.



3. The Regional Deputy Director of Education, Munger Division, Munger.
4. The District Education Officer, Lakhisarai.
5. The District Programme Officer (Establishment), Lakhisarai.
6. The Treasury Officer, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Respondent/s : Mr. Subash Chandra Mishra -Sc16

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-12-2018 Heard learned Counsel for the petitioners and the learned Counsel for the respondent State.

Counsel for the petitioners places reliance upon the judgments dated 11.4.2018 and 31.7.2018 passed in CWJC Nos. 7322 of 2017 and 13734 of 2012 respectively. He submits that the petitioners are admittedly similarly situated and are entitled to similar benefits by grant of trained scale.

This Court would find that the petitioners have rushed to this Court without ever approaching the authorities. It is trite law that for the writ court to exercise jurisdiction under Article 226 of the Constitution of India there must be a demand by the petitioner before the authorities and refusal by the authorities to act as per law.

The writ petition is, therefore, not maintainable as there is no occasion for this Court to presume that the respondent authorities would not consider the claim of the petitioners if they are similarly situated as the petitioners of CWJC Nos. 7322 of 2017 and 13734 of 2012.

The writ petition is dismissed.

SNkumar/-

(Madhuresh Prasad, J)

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