

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10806 of 2018

1. Anand Manohar Son of Birju Chaudhary Resident of Mohalla - Ganouri Saw Lane, Barki Delha, Vijay Bigha, Police Station - Delha, District - Gaya at present posted and working as Headmaster in Govt. Middle School Kaj, Anchal- Gurua, District - Gaya.
2. Shahid Akhtar Son of Late Farid Uddin Ansari Resident of Mohalla - Abgila Jagdishpur, Police Station - Buniyadganj, District - Gaya at present posted and working as a Trained Graduate Teacher in Govt. Middle School Badauan, Anchal - Fatehpur, District - Gaya.
3. Uday Kumar Son of Kapil Deo Prasad Resident of Mohalla - Lakhanpura, Chandchoura, Police Station - Vishnupad, District - Gaya at present posted and working as a Headmaster in Govt. Middle School Itwan - 1, Anchal - Gurua, District - Gaya.
4. Shiv Shankar Kumar Son of Jayram Sharma Resident of Village - Gayatri Nagar, Gurua, Police Station - Gurua, District - Gaya at present posted and working as a Headmaster in Govt. Middle School Chansi, Anchal - Gurua, District - Gaya.
5. Sunil Kumar Verma Son of Late Jagbali Verma Resident of Village - Indil, Guraru, Police Station - Guraru, District - Gaya at present posted and working as a Headmaster in Govt. Middle School Tarowa, Anchal - Gurua, District - Gaya.
6. Niraj Kumar Son of Vijay Kumar Singh Resident of Mohalla - Prithvi Pur, Gali No. 1A, Chiraiya Tand, Kankarbag, Police Station - Kankarbag, District - Patna at present posted and working as a Headmaster in Govt. Middle School Koiri Bigha, Anchal - Gurua, District - Gaya.
7. Dhananjay Lal Son of Kapil Deo Prasad Resident of Mohalla - Lakhanpura, Chandchoura, Police Station - Vishnupad, District - Gaya at present posted and working as a Headmaster in Govt. Middle School Itwan - 1, Anchal - Gurua, District - Gaya.
8. Abhay Kumar Son of Late Pundev Singh Resident of Village - Punawan, Wazirganj, Police Station - Wazirganj, District - Gaya, At present posted and working as a Headmaster in Govt. Middle School Birahima, Anchal - Gurua, District - Gaya.
9. Shiv Prakash Vidyarthi Son of Jagdishwar Prasad Resident of Village - Gurua, Police Station - Gurua, District - Gaya. At present posted and working as a Headmaster in Govt. Middle School Simaru, Anchal - Gurua, District - Gaya.
10. Satyendra Kumar Ravi Son of Shankar Ram Resident of Village - Alawalpur, Police Station - Gouri Chak, District Patna, At present posted and working as a Headmaster in Govt. Middle School Sesari, Anchal - Gurua, District - Gaya.
11. Arvind Kumar Rai Son of Baliram Rai Resident of Village - Saheb Nagar, Kujapi, Police Station - Chandauti, District - Gaya, At present posted and working as a Trained Graduate Teacher in Govt. Middle School Sesari, Anchal - Gurua, District - Gaya.
12. Subodh Kumar Mishra Son of Yugal Kishor Mishra Resident of Village - Brahman Bigha, Bankey Bazar, Police Station - Bankey



- Bazar, District - Gaya. At present posted and working as a Headmaster in Govt. Middle School Khutha, Anchal - Gurua, District - Gaya.
13. Ram Lakhan Das Son of Anchhu Das Resident of Village - Manjhauliya, Police Station - Amas, District - Gaya, At present posted and working as an Assistant Teacher in Govt. Middle School Bhisunpur, Anchal - Amas, District - Gaya.
 14. Abdul Azim Ansari Son of Late Turab Ali Resident of Village - Mangura Chak, Police Station - Bankey Bazar, District - Gaya, At present posted and working as an Assistant Teacher in Govt. Middle School Barki Chilmil, Nima Budhaul, Anchal - Amas, District - Gaya.
 15. Satyendra Das Son of Rambriksh Das Resident of Village Balkhora, Police Station - Amas, District - Gaya at present posted and working as an Assistant Teacher in Govt. Middle School Barki Chilmi, Nima Budhaul, Anchal - Amas, District - Gaya.
 16. Arvind Kumar Son of Jogeshwar Mahto Resident of Village - Sita Chuan, Gurua Police Station - Gurua, District - Gaya at present posted and working as a Headmaster in Govt. Middle School Manjhauliya - II, Anchal - Amas, District - Gaya.
 17. Awadhesh Kumar Singh Son of Ram Narayan Singh Resident of Village - Patnawan, Padrawan, Police Station - Jamhore, District - Aurangabad at present posted and working as a Headmaster in Govt. Middle School Jaipur, Anchal - Gurua, District - Gaya.
 18. Awadhesh Kumar Son of Sita Ram Resident of Village - Gurua, Police Station - Gurua, District - Gaya. At present posted and working as a Trained Graduate Teacher in Govt. Middle School Tamarua, Anchal - Gurua, District - Gaya.
 19. Dhananjay Prasad Son of Tarni Prasad Resident of Village - Gurua, Police Station - Gurua, District - Gaya At present posted and working as a Trained Graduate Teacher in Govt. Middle School Tamarua, Anchal - Gurua, District - Gaya.
 20. Birendra Kumar Chaudhary Son of Kauleshwar Chaudhary Resident of Village - Amas, Police Station - Amas, District - Gaya, At present posted and working as a Headmaster in Govt. Middle School Gangati, Anchal - Amas, District - Gaya.
 21. Vinay Kumar Son of Ambika Prasad Resident of Village - Ghora Ghat, Dobhi, Police Station - Dobhi, District - Gaya. At present posted and working as a Trained Graduate Teacher in Govt. Middle School Darioura, Anchal - Gurua, District - Gaya.
 22. Mahendra Prasad Son of Brahmdev Prasad Resident of Village - Manda, Bharaundha, Police Station - Gurua, District - Gaya. At present posted and working as a Trained Graduate Teacher in Govt. Middle School Paluhara, Anchal - Gurua, District - Gaya.
 23. Murari Das Son of Chhedi Das Resident of Village - Balkhora, Police Station - Amas, District - Gaya. At present posted and working as a Trained Graduate Teacher in Govt. Middle School Baliyari, Anchal - Amas, District - Gaya.
 24. Saroj Bharti Son of Dhumranath Bharti Resident of Village - Vinoba Nagar, Pandey Parsawan, Police Station - Magadh Medical, Gaya, District - Gaya. At present posted and working



- as Headmaster in Govt. Middle School Kathwara, Anchal - Gurua, District - Gaya.
25. Suresh Kumar Pal Son of Late Balkeshwar Bhagat Resident of Village - Arsi Kalan, Gurua, Police Station - Gurua, District - Gaya. At present posted and working as a Headmaster in Govt. Middle School Dhibra, Anchal - Gurua, District - Gaya.
26. Satyendra Kumar Arya Son of Bindeshwari Rabidas Resident of Village - Baiju Bigha, Gurua, Police Station - Gurua, District - Gaya. At present posted and working as a Headmaster in Govt. Middle School Bharundha, Anchal - Gurua, District - Gaya.
27. Shyam Bihari Prasad Son of Jamuna Prasad Resident of Mohalla - Kharkhura, Bairagi, Police Station - Delha, District - Gaya. At present posted and working as an Assistant Teacher in Govt. Middle School Dhokra, Anchal - Gurua, District - Gaya.
28. Md. Shamshad Alam Son of Abdul Rauf Resident of Village - Bar Pathak Bigha, Bar Hussain Ganj, Police Station - Sherghati, District - Gaya, At present posted and working as a Trained Graduate Teacher in Govt. Urdu Muddle School Agthu, Anchal - Belaganj, District - Gaya.
29. Md. Rahmatullah Son of Md. Amanullah Resident of Village - Bara, Chakand, Police Station - Chakand, District - Gaya. At present posted and working as a Headmaster in Govt. Middle School Kurisarai, Anchal - Belaganj, District - Gaya.
30. Jitendra Kumar Son of Late Sube Paswan Resident of Mohalla - Barki Delha, Vijay Bigha, Police Station - Delha, District - Gaya, At present posted and working as a Headmaster in Govt. Middle School Shyam Kalan, Anchal - Amas, District - Gaya.
31. Ram Kishor Sharma Son of Late Kanhai Sharma Resident of Village - Pipara Adhwan, Police Station - Wazirganj, District - Gaya. At present posted and working as an Assistant Teacher in Govt. Middle School Rengna, Anchal - Wazirganj, District - Gaya.
32. Pramod Kumar Singh Son of late Balroop Singh Resident of Mohalla- Nadra Ganj, Mallahtoli, Police Station- Civil Line, District- Gaya, At Present Posted and working as A Trained Graduate Teacher in Govt. Middle School Bahera, Anchal- Wazirganj, District- Gaya.
33. Rajesh Kumar son of late Mathura Prasad Resident of Mohalla- Nai Godam, Near Thakur Wari, Police Station- Kotwali, District- Gaya, At Present posted and working as an Assistant Teacher in Govt. Middle School Shadipur, Anchal- Manpur, District- Gaya.
34. Vinay Kumar Singh Son of late Sahdeo Yadav Resident of Village- Jhari, Police Station- Amas, District- Gaya, At Present Posted and Working as a Trained Graduate Teacher in Govt. Middle School Nagawangarh, Anchal- Gurua, District- Gaya.
35. Niranjan Kumar Kameshwar Prasad Resident of Village- Palanki, P.O. +Police Station- Anti, District- Gaya, At Present Posted and Working as a Headmaster in Govt Middle School Suggi, Anchal- Amas, District- Gaya.
36. Md. Eqbal Son of Md. Shaukat Ali Resident of Mohalla-Garh, P.O.+Police - Sherghati, District- Gaya. At Present Posted and



- Working as a trained Graduate Teacher in Govt. Middle School Chitab Khurd, Anchal- Amas, District- Gaya.
37. Bhola Das Son of late Ram Jatan Das Resident of Village- Amas, Near Amas Thana, Police Station- Amas, District- Gaya, At Present Posted and Working as a Trained Graduate Teacher in Govt. Middle School Hariharpur, Anchal- Amas, District- Gaya.
38. Francis Samuel Son of late Daniel Samuel Resident of Mohalla-Christian Colony, P.O. +Police Station- Rampur, District- Gaya, At Present Posted and Working as a Trained Graduate Teacher in Govt. Middle School Salepura, Anchal- Gurua, District- Gaya.
39. Md. Javed Hussain Son of late Salamat Hussain Resident of Mohalla-Baniya Pokhar, P.O.- Hpo, Police Station- Civil Lines, District- Gaya, At Present Posted and Working as a Headmaster in Govt. Middle School Bhalua-2, Anchal- Belaganj, District- Gaya.
40. Vijay Choudhary Son of late Jageshwar Choudhary Resident of Village- Kamalpur, Police Station- Belaganj, District- Gaya, At Present Posted and Working as a Trained Graduate Teacher in Govt. Middle School Chirmichi Bigha, P.O. Turi, Anchal- Belaganj, District- Gaya.
41. Shrawan Kumar Arya Son of late Ramdeo Mochi Resident of Village- Chakand Bazar, Police Station- Chakand, District- Gaya, At Present Posted and Working as a Headmaster in Govt. Middle School Baraini, Anchal- Belaganj, District- Gaya.
42. Jagbali Ram Son of late Fulchand Ram Resident of Village- Amraha, Police Station- Chakand, District- Gaya, At Present Posted and Working as an Assistant Teacher In Govt. Middle School Amjhar, Anchal- Belaganj, District- Gaya.
43. Ajay Kumar Son of Ramrishi Prajapat Resident of Village- Chakand, Police Station- Chakand, District- Gaya, At Present Posted and Working as a Trained Graduate Teacher in Govt. Middle School Malsari, Anchal- Belaganj, District- Gaya.
44. Krishna Nandan Kumar Son of Kameshwar Prasad Resident of Village- Masautha Khurd, Police Station- Moffasil, District- Gaya, At Present Posted and Working as a Headmaster in Govt. Middle School Chhotka Kewala, Anchal- Dumaria, District- Gaya.
45. Satya Narayan Prasad Son of late Suresh Prasad Resident of Mohalla- Gautam Budha Colony, Dhaniya Bagicha, P.O. Hpo, Police Station-Delha, District- Gaya, At Present Posted and Working as a Trained Graduate Teacher Govt. Middle School Rupaspur, Anchal- Tekari, District- Gaya.
46. Shambhu Sharan Singh Son of late Baij Nath Singh Resident of Mohalla- New Colony, Chotki Delha, Gaya, Post Office- Gaya R.S. Police Station- Delha, District- Gaya, At Present Posted and Working as an Assistant Teacher in Govt. Kanya Middle School Singhaul, Anchal- Belaganj, District- Gaya.
47. Ishway Chaudhary Son of late Paro Chaudhary Resident of Village- Dhaniya Bagicha, Post Office- R.S. Gaya, Police Station- Delha, District- Gaya, At Present Posted and Working as a Trained Graduate Teacher in Govt. Middle School Amaitha, Anchal- Wazirganj, District- Gaya.



48. Md. Ejaz Khan, Son of Late Md. Jalil Khan, Resident of Mohalla- Lohar Toli, Post Office+Police Station- Sherghati, District- Gaya, at present posted and working as Trained Graduate Teacher in Govt. Urdu Middle School Gamharia, Anchal- Gurua, District- Gaya.
49. Raju Prasad, Son of Late Ramkeshwar Rajak, Resident of Mohalla- Makhlaut Ganj, Mohib Ali Lane, Police Station- Kotwali, District- Gaya, at present posted and working as a Headmaster in Govt. Middle School Sondiha, Anchal- Guraru, District- Gaya.
50. Rajendra Baitha, Son of Manjoor Baitha, Resident of Village- Mungrain, Police Station- Amas, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Shyam Nagar Nima, Anchal- Amas, District- Gaya.
51. Maruti Sharan Mishra, Son of Late Mahavir Prasad Mishra, Resident of Village- Head Manpur, Post Office- Buniyadganj, Police Station- Buniyadganj, District- Gaya. at present posted and working as a Trained Graduate Teacher in Govt. Kanya Middle School Uchauli, Anchal- Khizer Sarai, District- Gaya.
52. Pawan Kumar, Son of Basant Kumar Singh, Resident of Village- Beldari, Post Office+Police Station- Buniyadganj, District- Gaya. at present posted and working as a Trained Graduate Teacher in Govt. Middle School Ismailpur, Anchal- Khizer Sarai, District- Gaya.
53. Rajesh Kapur, Son of Lakhan Lal, Resident of Mohalla- Janakpur, Manpur, Post Office- Buniyadganj, Police Station- Muffasil, District- Gaya, at present posted and working as a Trained Graduate Teacher in Govt. Middle School Gaura, Anchal- Manpur, District- Gaya.
54. Samod Rajak, Son of Late Basudeo Rajak, Resident of Village- Ghirsidhi Kala, Post Office- Nayansagar, Police Station- Barachatti, District- Gaya, at present posted and working as a Trained Graduate Teacher in Govt. Middle School Aurwadohar, Anchal- Dobhi, District- Gaya.
55. Ravi Kumar, Son of Late Rameshwar Prasad, Resident of Mohalla- Dhaniya Bagicha, Delha, Post Office- R.S. Gaya, Police Station- Delha, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Barai, Anchal- Konch, District- Gaya.
56. Uma Shankar Prasad, Son of Late Rameshwar Prasad, Resident of Mohalla- Dhaniya Bagicha, Delha, Post Office- R.S. Gaya, Police Station- Delha, District- Gaya. at present posted and working as a Headmaster in Govt. Middle School Mahmampur, Anchal- Tekari, District- Gaya.
57. Dayanand Ram, Son of Devlal Ravidas, Resident of Village- Punawan, Post Office- Wazirganj, Police Station- Wazirganj, District- Gaya, at present posted and working as a Headmaster in Govt. Middle School Tiklarpar, Anchal- Wazirganj, District- Gaya.
58. Diwakar Bharti, Son of Late Jago Sao, Resident of Village- Tarwan, Police Station- Wazirganj, District- Gaya. at present



posted and working as a Trained Graduate Teacher in Govt. Middle School Bara (H.T.), Anchal- Wazirganj, District- Gaya.
59. Ram Bilash Chaudhary, Son of Munni Lal Chaudhary, Resident of Village+Post Office- Sheotar, Police Station- Atri, District- Gaya. at present posted and working as a Trained Graduate Teacher in Govt. Middle School Chandpura, Anchal- Atri, 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 Sub-Inspector of School, (Block Education Officer), Gaya Town, Gaya.
8. The Block Education Officer, Belaganj, District - Gaya.
9. The Block Education Officer, Mohanpur, District - Gaya.
10. The Block Education Officer, Sherghati, District - Gaya.
11. The Block Education Officer, Imamganj, District - Gaya.
12. The Block Education Officer, Wazirganj, District - Gaya.
13. The Block Education Officer, Manpur, District - Gaya.
14. The Block Education Officer, Khizar Sarai, District - Gaya.
15. The Block Education Officer, Atari, District - Gaya.
16. The Block Education Officer, Mohra, District - Gaya.
17. The Block Education Officer, Fatehpur, District - Gaya.
18. The Block Education Officer, Dumaria, District - Gaya.
19. The Block Education Officer, Bodh Gaya, District - Gaya.
20. The Block Education Officer, Barachatti, District - Gaya.
21. The Block Education Officer, Amas, District - Gaya.
22. The Block Education Officer, Gurua, District - Gaya.
23. The Block Education Officer, Konch, District - Gaya.
24. The Block Education Officer, Tekari, District - Gaya.
25. The Block Education Officer, Bathani, District - Gaya.
26. The Block Education Officer, Tankuppa, District - Gaya.
27. The Block Education Officer, Banke Bazar, District Gaya.
28. The Block Education Officer, Paraiya, District - Gaya.
29. The District Accounts Officer, District - Gaya.
30. The District Treasury Officer, District - Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Mr. Smt. Shilpa Singh- Ga12

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2018 Heard the parties.



Following reliefs have been sought for in paragraph 1(I), (II) and (III) of the present application 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 an 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. 6139/2007 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 on behalf of the petitioner that the case of the petitioner be disposed of in the light of order dated 31.03.2011 passed in C.W.J.C. No. 6139 of 2007, order dated 16.8.2017 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 respondents are directed to examine the case of the petitioner in the light of the order dated 31.03.2011 passed in C.W.J.C. No. 6139 of 2007, order dated 16.8.2017 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 and pass an appropriate order in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

With the aforesaid observation/direction, the present writ application stands disposed of.

(Sudhir Singh, J)

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