

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13184 of 2018

1. Ajay Kumar Mishra, S/o Late Khushi Nand Mishra, Presently posted as Trained Graduate Teacher at UMS Bihiya gaon, Block-District- Bhojpur (Ara).
2. Kashi Nath Singh S/o Late Puran Singh, Presently posted as Trained Graduate Teacher at UMS Baulipur, Block- Jagdishpur, District- Bhojpur (Ara).
3. Nawal Kishor Tiwari S/o Late Ram Singhasan Tiwary, Presently Posted as Trained Graduate Teacher at MS Chowk, Ara Nagar, District- Bhojpur (Ara).
4. Ramesh Kumar S/o Molagit Ram, Presently posted as Trained Graduate Teacher at UMS Harigaon, Block - Jagdishpur, District- Bhojpur (Ara).
5. Hareram Dube S/o Ramakant Dube, Presently Posted as Trained Graduate Teacher at UMS Bakhariyan, Block- Ara Muffasil, (North), District- Bhojpur (Ara).
6. Ram Naresh Prasad S/o Late Bihari Prasad, Presently Posted as Trained Graduate Teacher at UMS Isharhi, Block - Jagdishpur, District- Bhojpur (Ara).
7. Awadh Bihari Dube S/o Late Ramayan Dube, Presently posted as Trained Graduate Teacher at UMS Ganauli, Block- Ara Muffasil (South), District- Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Education , Government of Bihar, Vikas Bhawan , Patna.
 2. The Principal Secretary, Department of Education, Government of Bihar, Vikas Bhawan , Patna.
 3. The Director (Primary Education), Department of Education, Govt. of Bihar, Patna.
 4. The District Education Officer, District- Bhojpur (Ara).
 5. The District- Program Officer (Establishment), District- Bhojpur (Ara).
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Appearance :

For the Petitioner/s : Mr. Avanindra Kumar Jha
For the Respondent/s : Mr. Prabhakar Jha -Gp27

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-08-2018 Heard the parties.

Following reliefs have been sought for in the present
application on behalf of the petitioners:

“1(i) To hold and declare that since the case/claims &



prayer of the petitioners for promotion on the post of Headmaster is squarely covered by the order & judgment dated 22.04.2015 of this Hon'ble Court, in CWJC No. 2339 of 2014, which came to be duly affirmed by the judgment dated 17.02.2017 in L.P.A. No. 1602 of 2015, hence the petitioners are/were entitled for being promoted on the post of Headmaster, upon completion of 4 years of service as Trained Graduate Teacher, on the basis of cut off date of 31.12.2016, in accordance with the Rule 10 of the Bihar State Elementary School Teachers Promotion Rules, 2011 (Annexure-1).

(ii) To hold and declare that since the actions of the authorities concern in sitting tight over the legitimate & lawful claims of the petitioners and eventually denying them the legitimate rights from the date of entitlement i.e. 01.01.2017, on the basis of cut-off date of 31.12.2016, is bad in law & violative of Article 14, 16 and 21 of the Constitution of India, thus fit to be deprecated by this Hon'ble Court.

(iii) To hold and declare that since there is delay and latches on the part of the authorities concerned of the Department of Education (respondents), in taking steps for grant of promotion to the petitioners, hence petitioners cannot be made to suffer (the financial losses) for any delay and latches on



the part of the respondents.

(iv) For issuance of an order, direction or a writ in the nature of Mandamus commanding the respondents concerned to take immediate steps for consideration of the claims of the writ petitioners for promotion on the post of Headmaster, as per the provisions of Rule 10 of the Bihar State Elementary School Teachers Promotion Rules, 2011, and thereafter, grant them promotion on the post of Headmaster, on the basis of cut off date of 31.12.2016.

(v) For issuance of an order, direction or a writ in the nature of Mandamus commanding the respondents concerned for making payment of consequential benefits of salary/arrears of salary commensurating the Post of Headmaster, w.e.f. the date of entitlement i.e. 01.01.2017.”

It has been submitted on behalf of the petitioners that the cases of the petitioners are squarely covered by the orders dated 22.04.2015 passed in C.W.J.C. No. 2339 of 2014 and dated 17.02.2017 passed in L.P.A. No. 1602 of 2015.

The respondent no. 4 (The District Education Officer, Bhojpur, Ara) is directed to examine the cases of the petitioners in the light of the orders dated 22.04.2015 passed in C.W.J.C. No. 2339 of 2014 and dated 17.02.2017 passed in L.P.A. No.



1602 of 2015 and pass an appropriate order(s) 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 found entitled to the relief sought for, the respondent will be under obligation to proceed further in accordance with law.

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

(Sudhir Singh, J)

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