

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23522 of 2018

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1. GOURI MANDAL, SON OF LATE GULAB MANDAL, RESIDENT OF VILLAGE SARMA SPUR NEAR KALI HANUMAN MANDIR CHOWK TAHBALPUR PO MIRJAN HAAT POLICE STATION LODIPUR DISTRICT BHAGALPUR, PRESENTLY POSTED AS ASSTT. TEACHER IN URDU MIDDLE SCHOOL KUSHDIH, BLOCK GORADHI, BHAGALPUR
 2. NAVIN KUMAR SON OF LATE DEVENDRA NARAYAN YADAV RESIDENT OF VILLAGE DHOLBAJJA DIYARA, PO DHOLBAJJA BAZAR VIA NAUGACHIYA POLICE STATION NAUGACHIYA, DISTRICT BHAGALPUR PRESENTLY POSTED AS ASSTT TEACHER IN MIDDLE SCHOOL, BHAWANIPUR BLOCK RAMRA CHOWK BHAGALPUR
 3. NARENDRA KUMAR SON OF LATE RAMBRIKSHA BHAGAT, RESIDENT OF VILLAGE BHAWNIPUR DHUSKI TOLA PO BHAWANIPUR VIA BHAWANIPUR POLICE STATION NAUGACHIYA, DISTRICT BHAGALPUR, PRESENTLY POSTED AS ASSTT TEACHER IN MIDDLE SCHOOL, JAHANGIRPUR BAISI BHAGALPUR.

... .. Petitioners

Versus

1. THE STATE OF BIHAR THROUGH CHIEF SECRETARY, GOVERNMENT OF BIHAR, PATNA
2. CHIEF SECRETARY GOVERNMENT OF BIHAR PATNA
3. PRINCIPAL SECRETARY, DEPARTMENT OF EDUCATION GOVERNMENT OF BIHAR, PATNA
4. SPECIAL SECRETARY DEPARTMENT OF EDUCATION GOVERNMENT OF BIHAR, PATNA
5. THE JOINT SECRETARY, DEPARTMENT OF EDUCATION GOVERNMENT OF BIHAR
6. THE DIRECTOR, PRIMARY EDUCATION DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
7. THE REGIONAL DEPUTY DIRECTOR OF EDUCATION, BHAGALPUR
8. THE DEO, BHAGALPUR
9. THE BEO, NAUGACHIYA, BHAGALPUR
10. THE DPO ESTABLISHMENT BHAGALPUR.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan, Advocate
For the Respondent/s : Mr.Arbind Kr. Singh, AC to Gp20

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 20-12-2018 Heard learned counsel for the petitioners as well as

learned counsel for the State.

Learned counsel for the petitioners submits that pursuant to communication dated 9.7.2018, issued by the District Programme Officer (Establishment), Bhagalpur (respondent no.10) the petitioners have submitted their claim for promotion to the post of headmaster. Specific averment to



this effect has been made in paragraph 41 of the writ petition.

If the petitioners have submitted their application as stated in the writ petition, this Court would observe that they are entitled to be considered for promotion to the post of headmaster in light of the said communication dated 9.7.2018.

Learned counsel for the petitioners has submitted that the claim of the petitioners is squarely covered by the decision dated 1.10.2018, rendered in case of Deepak Kumar Thakur and others Vs. the State of Bihar and others in C.W.J.C.No. 8758 of 2016 & C.W.J.C.No. 475 of 2017.

If the petitioners' case is covered by the aforesaid order having regard to the provisions of Clause 4(C)(1) of the Bihar State Litigation Policy, 2011, respondent authorities would be obliged to extend the same benefit to the petitioners as has been extended to Deepak Kumar Thakur and others by virtue of order dated 1.10.2018, passed in C.W.J.C.No. 8758 of 2016 & C.W.J.C.No. 475 of 2017.

Since, the issue is pending consideration, the District Programme Officer (Establishment), Bhagalpur in light of the directions contained in annexure 19, i.e., order dated 1.10.2018 passed in C.W.J.C.No. C.W.J.C.No. 8758 of 2016 & C.W.J.C.No. 475 of 2017, no further order is required to be



passed in the instant case.

The writ petition is disposed of in terms of the said order.

(Madhuresh Prasad, J)

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