

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1833 of 2019

1. Subodh Kumar Tiwari son of Late Dharmdeo Tripathi, Resident of Village- Lalapur, Police Station- Kudra, District- Kaimur, at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Navras, Block- Kudra, District- Kaimur.
2. Akhilesh Kumar Shrivastava, Son of Late Ram Suresh Prasad Shrivastava, Resident of Village- Lalapur, Police Station- Kudra, District- Kaimur, at present posted and workind as an Assistant Teacher in Govt. Upgraded Middle School Baina, Block- Kudra, District- Kaimur.
3. Rajesh Kumar Singh Son of Shri Damodar Singh, resident of Village- Ghataon, Police Station- Kudra, District- Kaimur, at present posted and Working as an Assistant Teacher in Govt. Upgraded Middle School Barna, Block- Kudra, District- Kaimur.
4. Vidyanand Ajey, Son of Shri Ram Prasad Singh, Resident of Village- Sakri, Police Station- Kudra, District- Kaimur at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Pachpokhari, Block- Kudra, District- Kaimur.
5. Kedar Nath Ram Son of Late Suhawan Ram, Resident of Village- Ghataon, Police station- Kudra, District- Kaimur, at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Ghataon, Block- Kudra, District- Kaimur.
6. Rakesh Kumar Singh, Son of Shri Damodar Singh, Resident of Village- Ghataon, Police Station- Kudra, District- Kaimur, at present posted and working as an Assistant Teacher in Govt. Middle School Fakrabad, Block- Kudra, District- Kaimur.
7. Shamim Rangsaj, Son of Shamshu Zoha Rangsaj, Resident of Village- Noan, Police Station- Noan, District- Kaimur, at present posted and working as an Assistant Teacher in Govt. Middle School Noan, Block- Noan, District- Kaimur.
8. Dasrath Sah, Son of Shri Ayodhya Prasad, Resident of Village- Bhagwanpur, Police Station- Bhagwanpur, District- Kaimur, at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Gajradhi, Block- Kudra, District- Kaimur.
9. Devendra Kumar Tiwary, Son of Late Krishnanad Tiwary, Resident of Village- Kewdhi, Police Station- Kudra, District- Kaimur, at present posted and working as an Assistant Teacher in Govt. Middle School Sakri, Block- Kudra, District- Kaimur.
10. Kameshwar Sharma, Son of Late Ramkrit Sharma, Resident of Village- Bahera, Police Station- Kudra, District- Kaimur, at present posted and Working as an Assistant Teacher in Govt. Upgraded Middle School Amirtha, Block- Kudra, District- Kaimur.
11. Kumar Anil Singh, Son of Late Ramji Singh, Resident of Village- Jehanabad, Police Station- Kudra, District- Kaimur, at present posted and working as an Assistant Teacher in Govt. Kanya Middle School Jehanabad, Block- Kudra, District- Kaimur.



12. Ram Pravesh Ram, Son of Shri Dasrath Ram, Resident of Village and Post Office Fakhrabad, Police Station- Kudra, District- Kaimur, at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Bharigawan, Block- Kudra, District- Kaimur.
13. Yamuna Pal Son of Late Nathuni Pal, Resident of Village- Bhelma, Police Station- Kudra, District- Kaimur, at present posted and working as an Assistant Teacher in Govt. Middle School Kewdhi, Block- Kudra, District- Kaimur.
14. Basanti Kumari, Wife of Shri Yamuna Pal, Resident of Village- Bhelma, Police Station- Kudra, District- Kaimur, at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Devradh Kala, Block- Kudra, District- Kaimur.
15. Rajendra Pd. Singh, Son of Late Munni Singh, Resident of Village- Fully, Police Station- Kudra, District- Kaimur, at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Gajaradhi, Block- Kudra, District- Kaimur.
16. Ram Prakash Sah @ R.P. Sah Son of Late Hariwansh Sah, resident of Village Sonao, Police Station- Kudra, District- Kaimur at present posted and Working as an Assistant Teacher in Govt. Middle School Fakhrabad, Block- Kudra, District- Kaimur.
17. Rajesh Kumar Shrivastava Son of Shri Jagdish Lal, Resident of Mohalla- Rauja Road No. 1, Company Sarai, Police Station- Sasaram, District- Rohtas, at present posted and Working as an Assistant Teacher in Govt. Middle School, Siswar, Block- Kudra, District- Kaimur.
18. Kamlesh Kumar Son of Shri Ganeshi Singh, Resident of Village- Bhavpokhar, Police Station- Nokha, District- Rohtas, at present posted and working as an Assistant Teacher in Govt. Middle School Kewdhi, Block- Kudra, District- Kaimur.
19. Virendra Kumar Chaudhary, Son of Late Rambriksh Ram, Resident of Village- Shivsagar, Police Station- Shivsagar, District- Rohtas, at present posted and working as an Assistant Teacher in Govt. Middle School Derwan, Block- Kudra, District- Kaimur.
20. Nagendra Kumar, Son of Shri Shyam Bihari Pal, Resident of Sondihra, Police Station- Shivsagar, District- Rohtas, at present posted and Working as an Assistant Teacher in Govt. Middle School Dihra, Block- Kudra, District- Kaimur.
21. Vikrama Ram, Son of Late Juthi Ram, Resident of Village- Pathalpur, Police Station- Kargahar, District- Rohtas, at present posted and Working as an Assistant Teacher in Govt. Upgraded Middle School Bhaisaula, Block- Kudra, District- Kaimur.
22. Nand Kumar Singh, Son of Shri Ram Surat Singh, Resident of Mohalla- Kuraich, Ward no. 6, Police Station- Sasaram, District- Rohtas, at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Bhaisaula, Block- Kudra, District- Kaimur.
23. Ashok Kumar Tiwary, Son of Late Krishna Tiwary, Resident of Village- Somaon, Police Station- Belaon, District- Kaimur, at present posted and Working as an Assistant Teacher in Govt. Upgraded Middle School Kadain,



Block- Kudra, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Director, Primary Education Bihar, Patna.
5. The District Education Officer, Kaimur (Bhabhua).
6. The District Programme Officer (Establishment) Kaimur (Bhabhua).
7. The Block Education Officer, Kudra, District- Kaimur (Bhabhua).
8. The District Accounts Officer, Kaimur (Bhabhua).
9. The District Treasury Officer, Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra
For the Respondent/s : Mr.Prabhakar Jha (GP-27)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 16-05-2019 Heard the learned counsel for the parties.

The present writ petition has been filed for issuing a direction to the respondents to grant senior pay-scale/time bound promotion/A.C.P. to the petitioners on completion of 12 years of service.

The learned counsel for the petitioners submits that the issue raised in the present writ petition is no more res integra. A coordinate Bench of this Court had already decided the issue vide order dated 31.03.2011 passed in ***CWJC No. 6139 of 2007 (Ram Ashis Tiwary & others vs. The State of Bihar & others)***, and the order of the Writ Court was affirmed



in L.P.A. No. 756 of 2015 on 16.08.2017.

Having regard to the submissions made by the learned counsel for the parties, the present writ petition is disposed off with a direction to the respondent no. 6 to examine the case of the petitioners in light of the decision of the Writ Court in C.W.J.C. No. 6139 of 2007 dated 31.03.2011 as affirmed in L.P.A. No. 756 of 2015 dated 16.08.2017 and the final decision in this regard must be taken by the respondent no. 6 within a period of two months from the date of receipt/production of a copy of this order and all consequential benefits including the monetary benefits should be extended to the petitioners within a period of one month thereafter, in case the case of the petitioners is found to be covered by the aforesaid judgment dated 31.03.2011 in the case of Ram Ashis Tiwary & Ors. (supra).

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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