

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15353 of 2018

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Shatrughn Prasad Singh, Son of Sri Jageshwar Narayan Singh, Resident of Madhubani Town, Mohalla- Chitragupta Basti, Stadium Road Ward No.20, Police Station- Madhubani, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Programme Officer, Madhubani.
3. District Education Officer, Madhubani.
4. The Block Education Extension Officer, Madhubani cum the Secretary, Block Education Establishment C

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prabhas Ranjan, Advocate
		Mr. Suman Kumar Mishra, Advocate
For the Respondent/s	:	Mr.Kameshwar Kumar GP-17
		Mr. S.K. Ranjan, AC to GP 17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 11-07-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner has filed the present writ petition for two fold reliefs. So far as the first relief with regard to allowing the petitioner to continue as Incharge Headmaster is concerned, the same does not merit consideration as after posting of regular headmaster in the school, the petitioner cannot claim that he should be allowed to remain as Incharge Headmaster. So far as the 2nd grievance of the petitioner that he is entitled to be considered for promotion in terms of the Rules, the counter affidavit of the respondents indicates that the process of promotion requires scrutiny and selection. Mere holding



qualification does not ipso facto confers right to promotion. The petitioner's claim for promotion can be considered only on the existence of vacancy and if otherwise the petitioner qualifies for promotion.

Considering the aforesaid, the writ petition is disposed of with a direction to the respondents to consider the claim of the petitioner for promotion, if otherwise he is eligible for grant of promotion on account of seniority and roster clearance and there exists vacancy. Necessary decision on the claim of the petitioner may be taken at the earliest preferably within a period of six months from the date of receipt/production of a copy of this order.

So far as the claim of arrears of salary is concerned, the petitioner is granted liberty to approach the District Programme Officer (Establishment) who shall address his grievance for payment of salary by a reasoned and speaking order within a period of 60 days from the date of filing of the representation.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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