

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2694 of 2019

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1. Vikash Kumar Dutta and Anr S/o Sri Sita Kant Dutta Resident of Village-Srinagar,P.S. Siwan Muffasil, Dist.-Siwan.At present posted and working as graduate trained teacher in Govt. upgraded Middle School Chakra,Anchal-Siwan Sadar,Dist.-Siwan
 2. Bal Kunwar Sah S/o Ram Subhag Sah Resident of Village-Siyari,P.S. Siwan (Muffasil) Dist.-Siwan.At present posted and working as graduate trained teacher in Govt. Adarsh Middle School Ziradei,Anchal Ziradei,Dist.-Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Education Department, Govt. of Bihar,Patna
3. The Director, Primary Education,Bihar,Patna
4. The District Magistrate, Siwan
5. The Regional Deputy Director of Education,Saran Division,Chapra
6. The District Education, Siwan
7. The District Education Officer- cum-the Chairman,District Teacher Promotion Committee,Dist.-Siwan
8. Thew District Programme Officer Establishment (Education),Siwan
9. The District Programme Officer Establishment(Education)-cum-the Member Secretary,District Teacher Promotion Committee,Dist.-Siwan
10. The Block Education Officer, Siwan Sadar,Dist.-Siwan
11. The Block Education Officer, Ziradei,dist.-Siwan

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 15-02-2019

1. The petitioners have prayed for following reliefs :-

“1) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider the claim of the petitioner for promotion in the post of Headmaster as in the district of Siwan total sanctioned and vacant posts of Headmaster is 843, whereas, vide memo no. 277 dated 02.02.2019, only 217



teachers' names are appearing and the names of other teachers including petitioners are not appearing, who have been promoted in the graduate trained pay scale vide memo no. 3243 and 3244 dated 10.11.2018.

II) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider the claim of the petitioner on the post of Headmaster, as the petitioners have been given matric trained pay scale w.e.f. 01.10.2003 and they have completed Eight weeks' time is granted to the opposite parties to file show cause showing compliance of the order dated 21.06.2018 passed in CWJC no. 18547 of 2010.

List this case after eight weeks. Years of their service in matric trained pay scale on 30.09.2011 and on the basis of the same, they have been promoted in the Graduate Trained Pay Scale since 31.10.2013 by the District Teachers Promotion Committee, Siwan and they are entitled to be considered to be promoted in the scale of Headmaster, as they have already completed the requisite eligibility to be promoted in the scale of Headmaster, as in the district of Siwan, such teachers, who have already been promoted in Graduate Trained Pay Scale since 31.10.2013 are going to be promoted in the scale of Headmaster.

III) For issuance of an appropriate writ in the nature of prohibition by restraining the respondent authorities concerned to not promote such teachers unless and until the petitioners' case is being not considered



for promotion in the scale of Headmaster, for which, the counselling is being done without considering the fact that the petitioners along with other teachers have been promoted in the graduate trained pay scale by memo no. 3243 and 3244 dated 10.11.2018, by which, the teachers in the district of Siwan have been promoted in graduate trained pay scale Arts/ Science, in which, the name of the petitioners are appearing in memo no. 3243 dated 10.11.2018, by which, they have been promoted in the graduate trained pay scale since 31.10.2013 and entitled to be considered for their promotion in the scale of Headmaster but erroneously, the respondent authorities concerned are depriving the petitioners including the teachers, who have been promoted in the scale of graduate trained Arts/ Science w.e.f. 31.10.2013 vide memo no. 3243 and 3244 dated 10.11.2018

IV) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider the case of the petitioners for their promotion in the scale of Headmaster, as the petitioners have already filed folder files along with other teachers, for consideration for their promotion in the scale of Headmaster through proper channel and hence, the respondent authorities concerned may kindly be directed to consider the case for their promotion in the scale of Headmaster.”

2. The learned counsel for the petitioner submits that



the petitioners be granted liberty to approach the respondent no. 7 i.e. the Chairman of the District Teacher Promotion Committee, Siwan for redressal of their aforesaid grievances.

3. Accordingly, the present writ petition is disposed of with liberty to the petitioners to approach the respondent no. 7 within a period of four weeks from today by filing a detailed representation which shall be considered by the respondent no. 7 and a reasoned order shall be passed within a period of twelve weeks thereafter.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.02.2019
Transmission Date	NA

