

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8572 of 2015

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1. Ram Ishwar Singh Son of Late Ram Bilas Singh resident of village - Dhanauti, P.O. P.S. Masaurhi, District - Patna
 2. Upendra Singh Son of Late Raktu Singh resident of Mohalla - Patel Nagar Satiasthan, P.O. P.S. Masaurhi, District - Patna
 3. Anil Kumar Sinha Son of Late Dip Narayan Singh resident of Mohalla - Shivaji Nagar Near Shiv Mandir P.O. P.S. Masaurhi, District - Patna
 4. Shailendra Kumar Sinha Son of Late Rama Nand Sinha resident of Mohalla - Sri Nagar, P.O. P.S. Masaurhi, District - Patna
 5. Braj Kishore Prasad Son of Late Rajendra Ram resident of Milan Road, Near Vishwan Nath Mandir, Lakhibagh, P.O. P.S. Masaurhi, District - Patna
 6. Satyendra Kumar Sinha Son of Shri Keshlal Singh resident of Mohalla - Satiasthan Masaurhi, P.O. P.S. Masaurhi, District - Patna
 7. Md. Fazal Imam Son of Late Md. Ayub resident of Mohalla - Malikana, P.O. P.S. Masaurhi, District - Patna
 8. Fakhare Alam Son of Gafar Ali resident of village - Sigorhi, P.O. P.S. Sigorhi, District - Patna
 9. Anita Kumari Wife of Sri Kamendra Prasad resident of Mohalla - Nakhas Devi Asthan, P.O. Begampur, P.S. Malsalami, District - Patna
 10. Md. Nizamuddin Son of Md. Umar Uddin resident of village - Bakhtiyarpur Ambedkar Nagar, P.O. P.S. Bakhtiyarpur, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The Deputy Director of Education, Bihar Patna Cum Appellate Authority
4. The District Magistrate Patna, District Patna
5. The District Education officer, Patna, District Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Abhya Kumar
		Mr. Braj Kishore Singh
For the Respondent/s	:	Mr.M.K. Singh- Sc6

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 10-07-2019 Heard learned counsel for the petitioners and the respondents.



Ten petitioners have filed the present writ application for a direction to the respondents to consider their case for grant of promotion to the post of headmaster w.e.f. 26.12.2013.

Learned counsel for the petitioners submits that during the pendency of the writ application, except petitioner nos. 2, 3 and 7, the respondents have granted the benefit of promotion to the post of headmaster to all other petitioners. He further submits that the case of all petitioners were on similar footing, but the respondents discriminated petitioner nos. 2, 3 and 7.

Without going into the controversy whether the petitioner nos. 2, 3 and 7 are eligible for grant of promotion the writ petition is disposed of in terms of the Bihar State Litigation Policy, 2011. The Court directs the respondents to take appropriate decision in connection with petitioner nos. 2, 3 and 7 and if identically circumstanced have been granted the benefit of promotion, the petitioner nos. 2, 3 and 7 should also be granted the same benefit.

Accordingly, the writ application is disposed of with a direction to the respondents to take appropriate decision considering the Bihar State Litigation Policy, 2011, particularly, paragraph 4(c)(i) of the said policy. Necessary decision in this



regard may be taken by the respondents within a maximum period of three months from the date of receipt/production of a copy of this order with all consequential benefits in view of the fact that now the petitioners have retired.

The grievance as to discrimination in granting effective promotion can be raised by the petitioners by way of representation to the competent authority and the competent authority shall decide the issue of discrimination in granting effective promotion by reasoned and speaking order within 60 days of raising such grievance.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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