

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5740 of 2015

Shiv Nath Prasad Suman Son of Late Raghu Nath Prasad. Resident of Mohalla - Kalibagh Rajendra nagar Ward No.4, P.O.- Bettiah, P.S.- Bettiah Town, District - West Champaran, Bettiah. At present posted and working as Assistant Teacher Head Teacher, Govt. Upgraded Middle School Patrakha, Block - Chanpatia, District - West Champaran Bettiah.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The District Magistrate, West Champaran Bettiah.
5. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
6. The District Education Officer, West Champaran Bettiah.
7. The District Programme Officer Establishment, West Champaran Bettiah.
8. The District Programme Officer Establishment, West Champaran Bettiah.
9. The Block Education Officer, Chanpatia, West Champaran Bettiah.
10. The Headmaster-cum-Drawing and Disbursing Officer of the School, i.e. of Government Upgraded Middle School, Patrakha, West Champaran (Bettiah)

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr.Harish Kumar- Gp32

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 24-07-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ petition is non-consideration of his case for grant of promotion as Headmaster and consequential benefits.

Learned counsel for the petitioner would submit that



many persons junior to the petitioner have been granted such benefit but the petitioner has been discriminated.

This writ petition was filed on 13.04.2015. We are in 2019.

On behalf of the respondent Nos. 6 to 8, a counter affidavit has been filed in which stand has been taken that the petitioner did not submit his application for promotion at the relevant time and as such his case was not considered for grant of such benefit.

When the Statute provides for grant of promotion, it would be the obligation of the respondents to see that benefits are extended to all in terms of the relevant rules. The respondents cannot be allowed to raise objection of non-filing of application for grant of benefit. If other juniors have been granted promotion, there is absolutely no occasion to deny such promotion to the petitioner.

Accordingly, the writ petition is disposed of with a direction to the District Programme Officer (Establishment), West Champaran, Bettiah to take appropriate decision with regard to the entitlement of the petitioner for grant of benefit of promotion with monetary benefit and if any person junior to the petitioner has been granted such benefit, the same should be



extended to the petitioner at the earliest preferably within a maximum period of 60 days from the date of receipt/production of a copy of this order. Any delay in grant of such benefit to the petitioner may entail interest at the rate of 9% per annum which shall be borne by the respondent District Programme Officer (Establishment) from his own pocket.

The decision has to be taken keeping in mind that the petitioner has superannuated on 30.04.2015 and the benefit is not only for the purpose of payment of arrears of salary but it may benefit the petitioner in the matter of revision of pension and other post retiral dues.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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