

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.2406 of 2018**

**In**  
**Civil Writ Jurisdiction Case No.1717 of 2014**

- 
1. Shambhu Prasad @ Shamhu Prasad Son of Late Balcharida Prasad @ Bal Farida Prasad Resident of Village - Sehsrawn, Police Station - Bhagwanpur Hat, District - Siwan, At present posted and working as an Assistant Teacher in Govt. Middle School Brahmsthan, Anchal - Bhagwanpur Hat, District - Siwan.
  2. Suresh Kumar Prasad Son of Late Dhruv Nath Prasad Resident of Village Kanhauli, Police Station - Basantpur, District - Siwan, At present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Sipah, Anchal - Bhagwanpur Hat, District - Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Mr. R. K. Mahajan, The Principal Secretary, Education Department, Government of Bihar, Patna
2. Mr. Binay Kumar Verma, the Director, Primary Education, Bihar, Patna.
3. Mr. Amarendra Kumar Mishra, the District Programme Officer Establishment, Siwan.
4. Mr. Samar Bahadur Singh, the District Programme Officer, District - Siwan.
5. Mr. Amarendra Kumar Mishra, the District Promotion Committee through the District Programme Officer

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Prabhat Ranjan Singh, AC to AAG 15

---

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

4      08-03-2019      Considering the order passed by the writ court, which is quoted below, and the compliance shown in the show cause, the Court is not inclined to proceed any further as the opposite parties have taken decision to promote the petitioners and only process of posting is awaited on account of non-receipt of option on promotion.



“In view of the order, which has been passed in Civil Review No. 50 of 2013, the objection of these petitioners that people with Sahitya Alankar degree cannot be included in the list of persons eligible for grant of graduate trained scale is made out.

The law is now well settled with regard to the status of Sahitya Alankar in the case of Reeta Srivastava, 2012(3) PLJR 353. Therefore, the respondents are directed to delete and eliminate all such persons with Sahitya Alankar degrees from the list of such candidates, who are required to be given graduate trained scale because that degree cannot beget them the benefit of promotion in view of the law laid down in the above case and upheld right up till Hon’ble Supreme Court.

Writ application is allowed with a direction upon the respondents to carry out the exercise now in view of what has been stated above without any delay.”

In case the petitioners have any grievance, liberty shall be available to them to approach the appropriate forum in accordance with law.

With the aforesaid, the petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

spandey/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

