

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10143 of 2018

Dr. Poonam Kumari Wife of Sri Sushil Kumar, Resident of 02, Shreman Apartment, Raj Jee Ki Gali, East Boring Canal Road, Police Station Budha Colony, District- Patna. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Secondary Education, Bihar, Patna, Vikas Bhawan, Bailey Road, Patna.
3. The Inspector of School, Dakbanglow Road, Police Station Kotwali, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rupak Kumar, Advocate
For the Respondent/s : Mr.Kameshwar Kumar -GP-17

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 09-09-2019 The issue involved in this writ petition is discrimination in the matter of grant of promotion.

Mr. Rupak Kumar, learned counsel appearing on behalf of the petitioner would submit that vide Annexure-1 the claim of the petitioner was rejected for grant of regular promotion. Mr. Kumar submits that State cannot adopt two different yardsticks for Music Teachers. If the respondents have granted promotion to other Music Teachers, they cannot be allowed to take different view so far as the petitioner is concerned.

Discrimination goes to the root of the decision making process and the action of discrimination has to be tested at the touch stone of primary review. The Court is of the considered view that the respondents cannot be allowed to adopt two different yardsticks in the matter of grant of promotion. If any



Music Teacher is granted benefit of promotion, then the respondents cannot take plea that the petitioner being Music Teacher is not entitled to promotion.

Accordingly, the writ petition is disposed of with a direction to the respondents to take fresh decision and if it is found that only other Music Teacher has been granted benefit of promotion, the same benefit may be extended to the petitioner. Necessary decision in this regard must be taken by the respondents within a maximum period of 60 days from the date of receipt/production of a copy of this order .

If the respondent maintains the stand that Music Teachers are not entitled for promotion, then they are required to take corrective measures and appropriate corrective decision may be taken by the respondents with opportunity of hearing to such Music Teachers who have been granted the benefit of such promotion. The order as contained in Annexure-1 shall not come in the way of the respondents in terms of the direction issued by this Court.

(Anil Kumar Upadhyay, J)

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