

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5779 of 2014

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Rameshwar Pandit Son of Late Dwarika Pandit Resident of Village -
Mahmadpur, P.S. Ekangarsarai, District – Nalanda Petitioner/s
Versus

1. The State of Bihar
2. The Director, Primary Education, Bihar, Patna
3. The Regional Deputy Director Of Education, Patna Division, Patna
4. The District Education Officer, Nalanda
5. The District Programme Officer, Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani
For the Respondent/s : Mr.Dinbandhu Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 16-09-2019 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

The issue raised in the present writ application is no more res integra. Similar issue was considered by this Court in C.W.J.C. No. 14202 of 2014 vide oral judgment dated 2.11.2018, this Court has disposed of the writ application in the following manner:-

“The law in this regard is well settled by the catena of decision of the Apex Court. Reference in this connection may be made in the case of Y.V. Rangaiah and Ors. vs. Sreenivas Rao and Ors. reported in (1983) 3 SCC 284, in the case of A.A. Calton vs. Director of Education & Anr. reported in AIR 1983 SC 1143 and in the case of P. Mahendran & Ors. vs. State of Karnataka & Ors. reported in AIR 1990 SC 405 and in the case of Kulwant Singh & Ors. Vs. Daya Ram, reported in (2015) 3 SCC 177 and several other cases where the Apex Court has categorically held out that once the selection process has commenced under the



existing Rule, the same has to be given to its logical end in terms of the same rule and subsequent amendment in the Rule can defeat the right to consideration of individual cases in terms of existing Rule.

Considering the totality of the facts situation, the Court is of the considered view that once the respondents have prepared the gradation list for grant of Graduate Trained Scale i.e. Grade-IV under 1993 Rules, it was obligatory on the part of the respondents to grant promotion in terms of 1993 Rules and subsequent amendment in the Rule i.e. 2011 Rule will not apply in relation to the case of the petitioners, whose case for grant of promotion commenced before coming into force 2011 Rule.

In view of the above legal position, the writ petition is allowed. The respondents are hereby directed to consider the case of the petitioners afresh for grant of Graduate Trained Scale and further promotion as headmaster in terms of the then existing 1993 promotion Rules. Entire exercise for grant of promotion to the petitioners in Graduate Trained Scale under 1993 Rules must be completed by the respondent within a period of four months from the date of receipt/production of a copy of this order.”

In view of above discussion in C.W.J.C. No. 14202 of

2014 quoted hereinabove, the present writ application is allowed in the similar terms.

(Anil Kumar Upadhyay, J)

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