

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14543 of 2019

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Ram Bilash Paswan S/o Late Narsing Paswan Vill.- Madhuban, P.O.-
Madhuban, P.S.- Udakishunganj, Distt.- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
patna
2. The Director Primary Education, Education Department, Govt. of Bihar,
Patna
3. The District Magistrate Madhepura
4. The District Education Officer Madhepura
5. The District Programme Officer (Establishment) Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Respondent/s : Mr. Subhash Chandra Mishra, S.C. 16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 22-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the Respondent State.

The petitioner has approached this Court for a
direction to the respondents to consider his case for grant of
senior scale in the light of relevant Promotion Rules.

Learned counsel for the petitioner would submit that
the petitioner was appointed as Assistant Teacher on 01.06.1976.
He was granted Matric Trained Scale on 02.05.1989. In terms of
the 1993 Promotion Rules, the petitioner is entitled to grant of
Senior Scale on completion of *Kalawadhi* according to the Rule
5 of 1993 Promotion Rules.



The 1993 Promotion Rules were subsequently superseded by 2011 Promotion Rules. Rules are made for the purpose of appropriate action in the decision making of the respondents but it appear that after framing of the Rules, only a few are benefited with the Promotion in terms of the Rules, rest have to approach this Court or remain content without getting any promotional benefit.

This Court is inclined to dispose of the present writ application involving grant of higher pay scale or promotion which is statutory right in terms of the Statutory Rules which provide for upgradation on account of completion of *Kalawadhi* under 1993 Rules and further the Scheme of promotion under 2011 Rules, with a direction to the respondents to take appropriate decision with regard to the claim of the petitioner at the earliest preferably within a period of 60 days and grant all consequential benefits including monetary benefit within the time frame indicated hereinabove.

With the aforesaid, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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