

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15145 of 2019

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1. Harendra Kumar Rai S/o Shri Gopal Rai Vill. and P.o.- Manikpur, Via-Dayalpur, P.s.- Ekma, Distt.- Saran (Chapra) at present posted and working as an assistant teacher in Ganga Devi Arya Kanya Middle School Sahebganj, Block- Chapra, Distt.- Saran (Chapra)
 2. Ashok Kumar Gupta S/o Late Devi Sah Vill.- Parwejapur, P.o. and P.s.- Sonpur, Distt.- Saran (Chapra), at present posted and working as an assistant teacher in Govt. Girls Middle School Kharika, Block Sonpur, Distt.- Saran (Chapra)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary-cum-Principal Secretary Education Department, Govt. of Bihar, Patna
3. The Director Primary Education, Bihar, Patna
4. The District Magistrate Saran, Chapra
5. The Regional Deputy Director of Education Saran Division, Saran, Chapra
6. The District Education Officer Saran, Chapra
7. The District Education Officer-cum-the Chairman District Elementary Teacher Promotion Committee, Saran, Chapra
8. The District Programme Officer (Establishment) Saran, Chapra
9. The District Programme Officer (Establishment)-cum-the Member Secretary District Elementary Teacher Promotion Committee, Saran, Chapra
10. The District Transport Officer-cum-the Member District Elementary Teacher Promotion Committee Saran, Chapra
11. The Block Education Officer Chapra, Saran, Chapra
12. The Block Education Officer Sonpur, Saran, Chapra

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr.Subhash Chandra Mishra (Sc16)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 29-07-2019 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

Learned counsel for the petitioners submits that the



present case is covered by the order dated 27.3.2018 passed in CWJC No. 5109 of 2016, which is quoted below for ready reference.

“Petitioners have filed the present writ application for a direction to the respondents to consider the case of the petitioners for grant of graduate trained pay-scale and also to consider the case of the petitioners for promotion as Headmaster.

Learned counsel for the petitioners admits that the petitioners have been granted graduate pay-scale and present writ application has now consideration for promotion as Headmaster.

Learned counsel for the petitioners submits that juniors to the petitioners have been granted such benefit of promotion of graduate trained scale and promoted even as Headmaster but the case of the petitioners was not considered appropriately. Vide order dated 11.5.2015 passed in C.W.J.C. No. 3114 of 2015 petitioners were permitted to withdraw the writ application to approach statutory appellate authority namely, Regional Deputy Director of Education.

Learned counsel for the petitioners submits that petitioners have approached the Regional Deputy Director of Education but no decision one way or the other was taken by the Regional Deputy Director of Education.

From perusal of Annexure-6 it appears that Regional Deputy Director of Education has noted



the letter of the Principle Secretary of Education Department vide memo no.1142 dated 1.9.2015 yet the case of the petitioners was not properly considered. As a result thereof, the petitioners are deprived from the benefit of consideration for promotion of Headmaster.

In view of the above, the respondents are directed to take final decision and grant similar benefit to the petitioners if the juniors to the petitioners have been granted promotion as Headmaster, if the promotion is not granted within a period of two months from today petitioners would be entitled to all benefits from the date juniors have been granted promotion and the respondents are also required to pay interest at the rate of 9 per cent from the date juniors have been granted such promotion and monetary benefit.

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

In view of the above, the present writ petition is disposed of in the same terms with similar observations and directions.

(Anil Kumar Upadhyay, J)

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