

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17707 of 2019

1. Arvind Kumar Yadav Son of Late Chintamani Yadav Resident of Mohalla- Sahebganj, P.S.- University, District- Bhagalpur. Presently posted as Head Master at M.T.N. Ghosh Middle School, Champanagar, P.S.- Nathnagar, District- Bhagalpur.
2. Bibhash Kumar Son of Late Kailash Prasad Yadav Resident of Village- Sri Rampur, P.S.- University, District- Bhagalpur. Presently posted as Head Master at Rajkiya Saro Sahun Kanya Middle School, Khalifabad, P.S.- Kotwali, District- Bhagalpur.
3. Om Prakash Choudhary Son of Late Mahendra Prasad Choudhary Resident of Mohalla- Bal Krishna Nagar, Surakikal, Tilka Manjhi, P.S.- Barari, District- Bhagalpur. Presently posted as Head Master at Ganguli Middle School, Kahalgaon, P.S.- Kahalgaon, District- Bhagalpur.
4. Sunil Kumar Thakur Son of Gajadhar Thakur Resident of Mohalla- Vikramshila Colony, P.S.- Kotwali, District- Bhagalpur. Presently posted as Head Master at Middle School, Urdu Bazar, Hindi, P.S.- Tatarpur, District- Bhagalpur.
5. Indradeo Narayan Jitendriya Son of Ram Prasad Singh Resident of Mohalla- Mirjaan Haat, P.S.- Isakchack, District- Bhagalpur. Presently posted as Head Master at Shankar Bal Vikash Middle School, Isakchak, P.S.- Isakchack, District- Bhagalpur.
6. Manoj Kumar Sinha Son of Bisheshwar Prasad Resident of Village- Barahiya, P.S.- Kahalgaon, District- Bhagalpur, Presently posted as Head Master at Middle School, Mayaganj, P.S.- Barari, District- Bhagalpur.
7. Shrikant Das Son of Late Hriday Narayan Das Resident of Mohalla- Silhan, P.S.- Sanhaula, District- Bhagalpur. Presently posted as Head Master at Middle School, Sarath, Goradih, P.S.- Goradih, District- Bhagalpur.
8. Sudhanshu Shekhar Tiwary Son of Late Chandrashekhar Trivedi Resident of Mohalla- Nathnagar, P.S.- Nathnagar, District- Bhagalpur. Presently posted as Head Master at Middle School, Kanjhiya, P.S.- Nathnagar, District- Bhagalpur.
9. Dr. Harishankar Prasad Son of Upendra Gope Resident of Village- Sahebganj, P.S.- University, District- Bhagalpur. Presently posted as Head Master at Middle School, Raghopur, Tikas, P.S.- Nathnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Education Department, Government of Bihar, Patna.
4. The Secretary, Education Department, Government of Bihar, Patna.
5. The Director, Primary Education Department, Government of Bihar, Patna.
6. The Regional Deputy Director of Education, Bhagalpur Division, Bhagalpur.
7. The District Education Officer, Bhagalpur.



8. The District Programme Officer (Establishment), Bhagalpur.
 9. The Promotion Committee through Chairman the District Education Officer, Bhagalpur.
- Respondent/s

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan
For the Respondent/s : Mr.Subash Chandra Mishra (Sc16)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 30-08-2019 The issue raised in the present writ application is no more res integra. Similar issue was considered by this Court in the case of **Shiva Kant Jha vs. State of Bihar** reported in **2019(3) PLJR 26**. This Court relaying upon the judgment of the Apex Court in the case of **Arindam Choudhary** reported in **AIR 2013 SC 1535** has disposed of the writ application in the following terms:-

“Considering the totality of facts situation and the judgment of the Apex Court in the case of Arindam Choudhary reported in AIR 2013 SC 1535 the Court is constrained to hold that respondents are under obligation to grant monetary benefit treating the petitioners as Headmasters from the date petitioners were allowed to officiate on the post of Headmaster and petitioners continued on the said post for more than two decades followed by regular promotion from the date of officiation, the respondents are required to work out the entitlement of the petitioners within a period of four months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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