

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18301 of 2014

1. Atulya Kumar S/o Ramji Prasad Resident of Village and P.O. Amiyavar, P.S. Nasariganj, District - Rohtas, presently posted in Upgraded Middle School Madhopur, Nasariganj, Rohtas
2. Ram Dinesh Choudhary S/o Raghunath Choudhary R/o Mohalla - Jhabarmal Gali, Dehri, Rohtas, presently posted in Middle School, Thhelabad Rohtas
3. Rajdeo Das S/o Ram Nihora Das R/o Village and P.O. Gangauli, Rohtas, presently Posted in Upgraded Middle School, Sunderganj, Rohtas
4. Surendra Prasad S/o Ram Nagina Prasad R/o Village and P.O. Amiyavar, Nasariganj, Rohtas, presently posted in Upgraded Middle School Naktoli, Rohtas
5. Ram Pravesh Singh S/o Ramdeo Singh R/o village and P.S. Darihat, Rohtas, presently posted in Upgraded Middle School Jamalpur, Nasariganj, Rohtas
6. Usha Kumari W/o Rajwansh Sah R/o village - Fazalganj, P.O. Sasaram, Rohtas, Presently posted in upgraded Middle School Laxmanbigaha, Dihri, Rohtas
7. Digvijay Narayan Singh S/o Nan Kishore Singh R/o village and P.O. Danwar, Rohtas, Presently posted in Pawani, Nasriganj, Rohtas
8. Birendra Kumar S/o Sri Kishun Chand Ram R/o Village and P.O. Amiyavar, Nasariganj, Rohtas, presently posted in Upgraded Middle School Marojhiya, Nasriganj, Rohtas
9. Kamlesh Prasad S/o Gorakh Nath Prasad R/o village - Biranbigaha, P.S. Dihri, Rohtas, presently posted in Middle School Sheopur, Rohtas
10. Shobhnath Pal S/o Lakshman Pal R/o Village - Darhara, P.S. Dihri, Rohtas, posted in Upgraded Middle School Garuda, Karakat, Rohtas
11. Nand Kishore Sharma S/o Vishwanath Sharma, Dalmiyan Nagar, Rohtas, presently posted in Upgraded Middle School Tetradh, Rohtas
12. Manjee Singh S/o Late Harihar Singh R/o Khairahin Kala, P.S. Dinara, Rohtas, Presently Posted in Upgraded Middle School Gopibigaha, Dihri, Rohtas
13. Sushil Kumar Gupta S/o Late Jgarnath Sah R/o Mohalla - Ward No. 2, P.O. Nasariganj, Rohtas, Presently Posted in Upgraded Middle School Hathdiha, Rohtas
14. Vijay Kumar S/o Sri Baijnath Pal R/o Village - Nakata Telari , P.S. Chenari, Rohtas, Presently Posted in Upgraded Middle School Umaon, Chenari, Rohtas
15. Braj Kishore Thakur S/o Bnshi Thakur R/o Mohalla - Near Jora Mandir, Tara Kutir , Dehri - On - Sone, P.O. Dalmian Nagar, Rohtas
16. Md. Serajul Haque S/o Md. Tayeb Hussain R/o Mohalla - Ward No. 2, P.O. Nasariganj, District - Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Director, Primary Education, New Secretariat, Patna
4. The Regional Deputy Director of Education, Patna Division, Patna



5. The District Education Officer-cum-Chairman, District Education Establishment Committee, Rohtas at Sasaram.
6. The District Programme Officer Establishment, Rohtas at Sasaram

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amarendra Kumar
For the Respondent/s : Mr. Harish Kumar, GP-8

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
Date : 18-02-2019

The present writ petition was initially filed for directing the respondents to implement the order passed by the Regional Deputy Director of Education, Patna dated 22.11.2013, in an appeal preferred by the petitioners herein and for further directing the respondents to grant promotion to the petitioners from Matric Trained Scale to the Graduate Trained Scale with effect from 30.07.2012.

2. The learned counsel for the petitioners has submitted that the petitioners herein were granted promotion vide Annexure-4 to the writ petition, which is dated 30.07.2012 and had been approved by the District Promotion Committee, Rohtas at Sasaram. By the said office order dated 30.07.2012, the petitioners were granted promotion from Matric Trained Scale to the Graduate Trained Scale, however, vide order dated 15.05.2013, which is Annexure-9 to the writ petition, the order of promotion of the petitioners and others dated 30.07.2012 was



cancelled. The petitioners are stated to have filed an appeal before the Regional Deputy Director of Education, Patna Division, Patna and the said Appeal is said to have been allowed by an order dated 22.11.2013 and the District Promotion Committee, Rohtas was directed to grant promotion to such teachers whose promotion had been cancelled vide Memo No. 1540 dated 15.05.2013, in accordance with the promotion rules / departmental orders.

3. The learned counsel for the petitioners has submitted that since no action was being taken for compliance of the aforesaid order dated 22.11.2013 passed in appeal by the Regional Deputy Director of Education, Patna Division, Patna, the petitioners were constraints to approach this Court by way of the present writ petition, however, in the meantime, the District Promotion Committee by an order dated 31.10.2017 issued an order of promotion of the petitioners from Matric Trained Scale to the Graduate Trained Scale with effect from the date of joining of the said petitioners in the schools mentioned against their names.

4. The learned counsel for the petitioners has referred to Annexure-14, which is an order dated 27.07.2018, passed by the Regional Deputy Director of Education, Patna Division Patna in



an appeal filed by the petitioners against the order passed by the District Promotion Committee dated 31.10.2017 and it is submitted that the Regional Deputy Director of Education, Patna Division, Patna has rejected the appeal of the petitioners only on the ground of pendency of the present writ petition.

5. Per contra, the learned counsel for the respondents has submitted that since the writ petition was pending before this Court, the Regional Deputy Director of Education, Patna Division, Patna could not have taken any decision on account of the matter being sub judice before this Court.

6. Having regard to the submissions made by the learned counsel for the parties, I am of the view that nothing had prevented the Regional Deputy Director of Education, Patna Division, Patna to pass appropriate orders in appeal in view of the statutory powers vested with the Regional Deputy Director of Education, Patna Division, Patna as an appellate authority, hence, the pendency of the present writ petition would not have been an impediment so far as the adjudication of the lis involved is concerned.

7. For the reasons mentioned hereinabove, the order dated 27.07.2018 passed by the Regional Deputy Director of Education, Patna Division, Patna, as contained in Memo No.



901 is quashed and the Regional Deputy Director of Education, Patna Division, Patna is directed to adjudicate upon the appeal of the petitioners afresh after giving an opportunity of hearing to them.

8. It is needless to state that the petitioners can supplement the averments made in their Appeal by way of filing written statements within a period of twelve weeks from today whereafter, Regional Deputy Director of Education, Patna Division Patna shall give an opportunity of hearing to the petitioners and the other affected parties and pass a final order within a period of eight weeks thereafter.

9. The writ petition is allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.05.2019
Transmission Date	NA

