

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2678 of 2017

Arising out of

Civil Writ Jurisdiction Case No.18277 of 2012

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Saran District Primary Teachers Association, Chapra through its President
Namely Brajesh Kumar Sing Son of Late Yogendra Prasad Singh Resident of
Mohalla-Chota Telpa Near Katahri Bagh P.S.-Town. District-Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Mr. Anjani Kumar Singh, The Chief Secretary,
Govt. Of Bihar
2. Mr. R.K. Mahajan, the Secretary Cum Commissioner, Human Resources
Development Department, Govt. of Bihar, Patna.
3. Mr. Chitranjan Singh the Director Primary Education, Govt. of Bihar, Patna,
4. Mr. Yogesh Chandra Singh Regional Deputy Director Education, Saran.
5. Mr. Harihar Prasad the District Magistrate, Saran
6. Mr. Raj Kishore Singh the District Education Officer, Saran
7. Mr. Dilip Kumar Singh the District Superintendent of Education, Saran now
District Program Officer (Establishment), Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Anis Akhtar with Mr. Arif Daula Siddique, Advocates
For the State	:	Mr. Priyadarshi Matri Sharan, AC to AAG 15

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 31-07-2019

Heard learned counsel for the petitioner and learned AC
to AAG 15 for the State.

2. It is not disputed at the bar that the order dated
05.08.2013 passed in CWJC No. 18277 of 2012 read with order
dated 20.05.2015 passed in MJC No. 155 of 2014 has been
complied with.

3. However, learned counsel for the petitioner submitted
that the orders of the Court require consideration of the case of



persons who were eligible, in accordance with law, especially in terms of the provisions of the Bihar Taken Over Elementary School Teachers Promotion Rules, 2011 (hereinafter referred to as the ‘Rules’), by the authorities, who while exercising their power of one time relaxation in the eligibility as per Clause 10 of the aforesaid Rules, had fixed the cut off date as 31.12.2013, which has no basis. However, he fairly admitted that such issue is on the merits of the decision of the authorities with regard to exercise of power under the Rules and, thus, cannot be termed as contempt of any order of the Court. Thus, he prayed that liberty be given to the petitioner to move before the appropriate forum, in accordance with law, with regard to the authorities giving one time relaxation by fixing the cut off date as 31.12.2013.

4. In view thereof, the application stands disposed off with liberty aforesaid.

(Ahsanuddin Amanullah, J)

Anjani/-

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