

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9799 of 2018

1. Sunil Kumar Singh, Son of late Kapil Deo Singh Resident of Hanuman Tiwari Lane, CDA Colony Shastri Nagar, Patna.
2. Vikas Kumar Son of Radha Raman Prasad Resident of B/30, Raj Kumar Path, Alkapuri, Gardanibagh, Patna.
3. Uday Kumar Son of Chinta Prasad Chauhan Resident of vishnupuri, Anishabad, Patna.
4. Saday Kumar Son of Chinta Mani Prasad Resident of vishnupuri, Anishabad, Patna.
5. Brajesh Kumar Son of Gautam Sharma A/18 A, Vijaynagar, Hanuman Nagar, Kankarbagh, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary cum Commissioner, Department of Education, Govt. of Bihar, Patna
2. The Director, Primary Education, Department of Education, Govt. of Bihar, Patna.
3. The District Education Officer, Patna.
4. The District Program Officer Establishment, Patna.
5. Dhananjay Kumar Son of Jagdish Narayan Singh Resident of Mohalla- Jaganpura, P.O. New Jaganpura, Police Station- Ram Krishnanagar, District- Patna.
6. Manoj Kumar son of late Shada Shiv Prasad Sinha Resident of Mohalla- Sultanpur Danapur Cantt, Police Station- Danapur, District- Patna.
7. Md. Hassan Sabit Najmi Son of late Abdul Hannan Najm Resident of Mohalla- Alamganj Loharwa Ghat, Police Station-Alamganj, P.O. Gulzarbagh, District- Patna.
8. Anil Kumar Son of late Ramautar Ram Resident of Mohalla- Bajrangpuri, P.O. Guljarbagh, Police Station- Alamganj, District- Patna
9. Md. Sanaullah Ansari Son of Md. Ajij Ansari Resident of Mohalla- Shah Arja Colony, Police Station- Sultanganj, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Gautam Kumar Kejriwal



For the Respondent/s : Mr.Madanjeet Kumar- Gp20

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

9 20-06-2019 In pursuance to the order dated 25.2.2019 passed by this Court in the present case, the respondents-State Government has granted promotions to the petitioners herein and others, who are Matric Trained Assistant Teachers and now, they have been granted Graduate Trained Scale on the basis of the gradation list of 2012 against the available vacancies as per the roster and to that effect, an order dated 13.3.2019 has been issued under the signature of the District Programme Officer (Establishment), Patna and the District Education Officer, Patna. It appears that thereafter, the order of posting of the petitioners herein and others has been issued by the District Education Officer, Patna vide memo dated 18.6.2019, upon counselling have been made by the respondents.

The learned counsel for the petitioners submits that though the aforesaid orders have been passed by the Respondents-State Government purportedly on the basis of the 2012 gradation list, but the date of promotion has been fixed not from the year, 2012 but with effect from the date of issuance of the said letter for promotion i.e. dated 13.3.2019. In such view of the matter, the learned counsel for the petitioners submits that



the petitioners be granted liberty to approach the concerned respondent authorities for rectification of the said anomaly.

The learned counsel appearing for the intervenors submits that the intervenors be granted liberty to assail the aforesaid order of promotion dated 13.3.2019, if the intervenors are still aggrieved by the same.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present writ petition with liberty to the petitioners and the intervenors to approach the concerned authorities, in case, they are aggrieved by the order of promotion dated 13.3.2019, upon which the concerned respondents shall take necessary action in accordance with law.

It goes without saying that since the petitioners, upon being granted promotion, as aforesaid, are eligible for being considered for selection on the post of Headmaster, process whereof is still going on, therefore, it is hereby directed that the case of the petitioners be also considered in the ongoing selection process, initiated in pursuance to the advertisement issued vide memo no. 484 dated 31.3.2018, as modified by letter dated 9.4.2018, which are annexures 8 and 9 to the writ petition.

The writ petition stands disposed of on the aforesaid



terms.

It is needless to state that interim orders, if any, stand vacated on account of disposal of the present writ petition.

(Mohit Kumar Shah, J)

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