

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23477 of 2019

1. Suman Kumar Prabhat, Son of Bhola Pandit, Resident of Mohalla- Azad Nagar, Ward No. 4, P.S.- Katihar, District- Katihar.
2. Awadhesh Kumar Mandal, Son of Ram Sharan Das, Resident of Village- Thapkol, P.S. Dandkhora, District- Katihar.
3. Akhilesh Kumar Yadav, Son of late Sitaram Yadav, Resident of Village- Sahaura, P.S. Rangra, District- Bhagalpur.
4. Nooraj Kumar Singh, Son of Dinesh Chandra Singh, Resident of Village- Guwagachhi, P.S. Amdabad, District- Katihar.
5. Sanjeev Kumar Saha, Son of Nawal Kishor Sah, Resident of Village- Nayatola Phulwari, P.S. Katihar, District- Katihar.
6. Dinesh Kumar Bhagat, Son of Basudeo Prasad Bhagat, Resident of Nayatola, Phulwari, P.S. Katihar, District- Katihar.
7. Vinay Kumar Chaudhary, Son of Yogendra Nath Chaudhary, Resident of Village- Rajendragram Durgasthan Chawk, P.S. Katihar, District- Katihar.
8. Sunil Kumar Gupta, Son of S.N. Prasad Gupta, Resident of Village- Gamitola, P.S. Katihar, District- Katihar.
9. Indradeo Purve, Son of Anandi Purve, Resident of Village- Renuka Nayatola, P.S. Katihar, District- Katihar.
10. Jagdeepan Prasad Singh, Son of Maldeo Ram, Resident of Village- Gandhi Nagar, Durgasthan, P.S. Katihar, District- Katihar.
11. Md. Abshar Muzzamil, Son of late Md. Mainuddin Resident of Village- Dangol, P.S. Telta, District- Katihar.
12. Abdul Halim Shams, Son of Md. Abid Hussain, Resident of Village- Imadpur, P.S. Barsoi, District- Katihar.
13. Md. Azad Alam, Son of Md. Abdul Santar, Resident of Village- Baniya Toli, P.S. Baliyavelon, District- Katihar.
14. Abdul Basar, Son of Md. Naimuddin, Resident of Village- Chaunhi, P.S. Barsoi, District- Katihar.
15. Md. Saiyed Reza, Son of Md. Habibur Rahman, Resident of Village- Maulnapur, P.S. Barsoi, District- Katihar.
16. Md. Mohib Akhtar Ezdani, Son of Md. Abdul Aziz, Resident of Village- Kadamgachchi, P.S. Barsoi, District- Katihar.
17. Madan Kant Jha, Son of Madhukant Jha, Resident of Teachers Colony Mirchai Bari, P.S. Katihar, District- Katihar.
18. Pramod Kumar, Son of Ramapati Mandal, Resident of Village- Madan Sahi, P.S. Pranpur, District- Katihar.
19. Balram Mandal, Son of Suren Chandra Mandal, Resident of Village- Khatti Bhawanipur, P.S. Amdabad, District- Katihar.
20. Raj Kumar Singh, Son of Sarvajeet Singh, Resident of Village- Bal Mukund Tola, P.S. Amdabad, District- Katihar.



21. Janardan Prasad Mandal, Son of late Naththu Mandal, Resident of Village- Dafrail, P.S. Sikti, District- Arariya.
22. Subhash Chandra Razak, Son of Janak Lal Razak, Resident of Village- Shastri Nagar, P.S. Kadwa, District-Katihar.
23. Suman Kumar, Son of Girja Nand Mandal, Resident of Village- Tikaili, P.S. Dandkhora, District- Katihar.
24. Moti Prasad Singh, Son of Fauzdar Prasad Singh, Resident of Village- Teja Tola, Ward No. 2, P.S. Katihar, District- Katihar.
25. Sandeep Kumar Mandal, Son of Narayan Prasad Mandal, Resident of Village- Tikaili, P.S. Dandkhora, District- Katihar.
26. Md. Eyub, Son of Sheikh Khairuddin, Resident of Village- Kavaiya, P.S. Kadwa, District- Katihar.
27. Lal Bihari Paswan, Son of Kishan Paswan, Resident of Village- Kadamgachchi, Railway Outer, P.S. Telta, District- Katihar.
28. Ravikant Son of Radha Prasad Chaudhary, Resident of Village- Marangi, P.S. Mansahi, District- Katihar.
29. Bibhuti Bhushan, Son of Binod Kumar Mandal, Resident of Village- Sameli, P.S. Kursela, District- Katihar.
30. Mukesh Paswan, Son of Jagdish Paswan, Resident of Village- Khota, P.S. Falka, District- Katihar.
31. Pradeep Kumar Mandal, Son of Bhola Nath Mandal, Resident of Village- Bara Raghunathpur, P.S. Amdabad, District- Katihar.
32. Amol Chandra Mandal, Son of Gheesu Mandal, Resident of Village- Ramayanpur, P.S. Amdabad, District- Katihar.
33. Mohan Prasad, Son of Baleshwar Prasad, Resident of Laliyahi, P.S. Katihar, District- Katihar.
34. Gajendra Kumar, Son of Dindayal Sah, Resident of Village- Kehuniya, P.S. Pranpur, District- Katihar.
35. Ashok Kumar Mandal, Son of Ram Prasad Mandal, Resident of Village- Khushalpur, P.S. Pranpur, District- Katihar.
36. Surendra Prasad, Son of Ram Sagar Prasad, Resident of Lalkothi, Road, P.S. Katihar, District- Katihar.
37. Gurudeo Prasad Yadav, Son of Bhuwaneshwar Prasad Yadav, Resident of Village- Marangi, P.S. Mansahi, District- Katihar.
38. Jay Prakash Paswan, Son of Badri Paswan, Resident of Village-Baurni, P.S. Dandkhora, District- Katihar.
39. Sanjay Kumar Chaudhary, Son of Janardan Chaudhary, Resident of Shanti Nagar No. 01, Colony, P.S. Katihar, District- Katihar.
40. Shailesh Kumar, Son of Ramjeet Ram, Resident of Village- Saidhan, P.S. Tarari, District- Bhojpur.
41. Ram Naresh Baitha, Son of Shiv Nath Baitha, Resident of Village- Lakri Dargah, P.S. Barhariya, District- Siwan.
42. Md. Hammad Son of Md. Nazrul Haque, Resident of Village- Rahmanpur,



P.S. Barsoi, District- Katihar.

43. Jagdish Ram, Son of late Raghu Razak, Resident of Village- Raghunathpur, P.S. Karakat, District- Rohtas.
44. Tapas Mukhopadhyay, Son of late Dulal Mukherjee, Resident of High School Para New Market Road, P.S. Katihar, District- Katihar.
45. Babloo Paswan, Son of Suraj Paswan, Resident of Haflaganj, P.S. Katihar, District- Katihar.
46. Nakuldeo Paswan, Son of Chetu Paswan, Resident of Village- Halfaganj, P.S. Katihar, District- Katihar.
47. Chandra Shekhar Das, Son of Yogendra Nath Das, Resident of Village- Kehuniya, P.S. Pranpur, District- Katihar.
48. Md. Galib Son of Md. Ibrahim, Resident of Village- Bijhara, P.S. Baliabelon, District- Katihar.
49. Md. Khalid Anwar, Son of Sohrab Ali, Resident of Village- Maradobhi, P.S. Azam Nagar, District- Katihar.
50. Md. Soaib, Son of Sheikh Matiur Rahman, Resident of Village- Gaykatta Tola Bansgaon, P.S. Azam Nagar, District- Katihar.
51. Md. Ashfaq Hussain, Son of late Abdur Rahman Shaifi, Resident of Village- Nayatola, Tikati Ki Para, P.S. Barari, District- Katihar.
52. Gopal Paswan, Son of Khublal Paswan, Resident of Village- Haflaganj, P.S. Katihar, District- Katihar.
53. Dilip Kumar, Son of Kameshwar Kumar Mandal, Resident of Village- Kewatiya, P.S. Pranpur, District- Katihar.
54. Pankaj Kumar, Son of late Raghu Nath Prasad Dwivedi, Resident of Village- Amdabad, P.S. Amdabad, District- Katihar.
55. Zamil Ahmad Dilkash, Son of Md. Shamsheer Alam, Resident of Village- Pachma Milik, P.S. Korha, District- Katihar.
56. Md. Shakir Alam, Son of Md. Abdus Sattar, Resident of Village- Baniyatola, P.S. Baniya Belon, District- Katihar.
57. Md. Atibur Rahman Ansari, Son of Md. Azharul Hussain, Resident of Village- Manman, P.S. Barsoi, District- katihar.
58. Md. Arsad Hussain Ansari, Son of Md. Azharul Husain Ansari, Resident of Village- Manman, P.S. Barsoi, District- Katihar.
59. Bhavesh Kumar Pal, Son of Suresh Pandit, Resident of Village- Sujapur, P.S. Barari, District- Katihar.
60. Niranjana Bind, Son of late Nathuni Mukhiya, Resident of Ram Nagar Ward No. 25, P.S. Katihar, District- Katihar.
61. Mahanand Pandit, Son of Chhabilal Pandit, Resident of Village- Pachma, P.S. Korha, District- Katihar.
62. Ashok Kumar Mehta, Son of Dharmdeo Mehta, Resident of Lohiya Nagar, P.S. Katihar, District- Katihar.
63. Chhote Lal Mandal, Son of Ramu Mandal, Resident of Village- Zabra, P.S. Dandkhora, District- Katihar.



64. Md. Alam Hussain, Son of Zainul Miyan, Resident of Village- Kursanda, P.S. Pranpur, District- Katihar.
65. Amar Nath Prasad, Son of Suresh Prasad, Resident of Village- Roshna Bazar, P.S. Pranpur, District- Katihar.
66. Polina , D/o of Krishn Mohan Chauhan, Resident of Village- Makaipur, P.S. Korha, District- Katihar.
67. Ramanand Mandal, Son of Sri Rajendra Prasad Mandal, Resident of Village- Harfara, P.S. Pranpur, District- Katihar.
68. Mithilesh Kumar, Son of Kamla Prasad Mandal, Resident of Village- Bastaul, P.S. Pranpur, District- Katihar.
69. Gulab Chandra Mandal, Son of Ramanyan Mandal, Resident of Village- Kuretha, P.S.Mansahi, District- Katihar.
70. Dharendra Kumar Mandal, Son of Gobind Prasad Mandal, Resident of Village- Kazipur, P.S.Prانpur, District- Katihar.
71. Vijay Kumar Son of Lodhan Prasad Mandal, Resident of Village- Dharhan, P.S. Pranpur, District- Katihar.
72. Aradhana Kumari, D/o of Sri Bihari lal Chaudhary, Resident of Village- Barmasia, P.S. Katihar, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Education, Government of Bihar, Patna.
2. The Director Primary Education Bihar, Patna.
3. The Regional Deputy Director of Education, Purnea Division, Purnea.
4. The District Primary Teachers Promotion Committee, Katihar.
5. The District Education Officer, Katihar.
6. The District Programme Officer(Establishment), Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad
For the Respondent/s : Mr.Ashutosh Ranjan Pandey (Aag15)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 28-11-2019

Heard learned counsel for the parties.

2. Rules have been framed under Article 309 of the Constitution of India, governing service condition etc. Taken Over



Primary Schools (District Cadre) Teachers on 21.03.2018. Rule 10 of the said Rules contemplates promotion of eligible candidates in the cadre, to the post of Headmaster of a Middle School. The petitioners have a grievance that their cases for promotion are not being finalised and getting unnecessarily delayed without any valid reason, despite the fact that they are eligible for such promotion.

3. Learned counsel appearing on behalf of the petitioners has drawn my attention to the proceedings of the District Primary Teachers Establishment Committee meeting held on 07.08.2018 to submit that though, the matter relating to grant of promotion under Rule 10 of the Rules was considered, no final decision has yet been taken.

4. If the statutory rules allow avenue for promotion to a higher post, in my opinion, it is in the public interest that the cases for such eligible person, for such promotion, are considered by the authorities within a reasonable period of time.

5. Considering the facts and circumstances, this writ application is disposed of with a direction that let a decision be taken for promotion of eligible members of the cadre in accordance with the Rule 10 of the Rules, within a period of six months from the date of receipt/production of a copy of this order.



6. It goes without saying that before undertaking the process of promotion, seniority list of the eligible persons must be finalised by the respondents, if not already finalised.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A
Uploading Date	02/12/2019
Transmission Date	N.A.

