

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20410 of 2018

1. Sunil Kumar Singh and Ors Son of Late Sidheshwar Singh, Resident of Village-Lohra, Police Station-Harnaut, District-Nalanda. At Present Posted and Working as an Assistant Teacher in Govt. Upgraded Middle School Moniyampur, Anchal-Nagarnausa, District-Nalanda.
2. Md. Zahid Kalam, Son of Late Md. Abul Kalam, Resident of Village-Andhana, Post Office-Andhana, Police Station-Noorsarai, District-Nalanda. At Present Posted and Working as a Headmaster in Govt. Upgraded Middle School Karaiparsurai, Anchal-Karai Persurai, District-Nalanda.
3. Ashok Kumar, Son of Sri Singeshwar Das, Resident of Village-Kaushalpur, Police Station-Harnaut, District-Nalada. At Present Posted and Working as an Assistanat Teacher in Govt. Upgraded Middle School Malikpur, Anchal-Karai Persurai, District-Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Finance Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar. Patna.
5. The District Education Officer, District-Nalanda.
6. The District Programme Officer Establishment District-Nalanda.
7. The Block Education Officer, Karai Persurai, District-Nalanda.
8. The Block Education Officer, Nagarnausa, District-Nalanda.
9. The Headmaster Cum Drawing and Disbursing Officer, Govt. Upgraded Middle School Moniyampur, Anchal- Karai Persurai, District-Nalanda
10. The Headmaster Cum Drawing and Disbursing Officer, Govt. Upgraded Middle School Karaiparsurai, Anchal- Karai Persurai, District-Nalanda
11. The Headmaster Cum Drawing and Disbursing Officer, Govt. Upgraded Middle School Mailkpur, Anchal- Karai Persurai, District-Nalanda
12. The District Accounts Officer, District-Nalanda
13. The District Treasury Officer, District-Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra
For the Respondent/s : Mr.Ashutosh Ranjan Pandey- Aag15

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-03-2019

The petitioner has prayed for the following reliefs:-



- (i) For issuance of an appropriate writ in the nature of mandamus for commanding / directing the respondent authorities concerned to grant senior scale/time bound promotion/A.C.P. to the petitioner after completion of 12 years of their joining in their service as an assistant teacher in the matric trained post in the light of the Bihar Elementary School Teacher's Promotion Rule, 1993 read with order dated 08.03.2013 passed by the Hon'ble Apex Court in S.L.P. (Civil) No.5520-22 of 2013.*
- (ii) For issuance of an appropriate writ in the nature of Mandamus for commanding and directing the respondent authorities concerned to dispose of the representation of the petitioner which is being duly received in the office of the District Education Officer, Siwan by which the petitioner had made an application under Bihar State Litigation Policy 2011 under Rule 4(c), by which he has requested for providing the same and similar benefits as per the direction direction of the Hon'ble High Court, Patna passed in similarly situated teachers, orders dated 31.03.2011 passed in CWJC No.6139/2007 RamAshis Tiwary & Others Versus The State of Bihar & Others and order dated 12.02.2018 passed in CWJC No.1982 of 2018 Praveen Priyadarshi and Others Versus The State of Bihar and Others.*
- (iii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to grant all consequential benefits to the petitioner from his due date of entitlement in the senior pay scale with all consequential benefits.*
- (iv) For issuance of any other writ / writs, order/orders, direction/directions for which the petitioner would be entitled in the facts and circumstances of the present case."*



It has been submitted that the case of the petitioners is squarely covered by the order dated 24.07.2018 passed in C.W.J.C. No.10101 of 2018.

The respondent No. 6 i.e. the District Programme Officer (Establishment), Nalanda is directed to examine the case of the petitioners in the light of the case laws, as referred to above and dispose of the case of the petitioners in accordance with law within a period of three months from the date of receipt/production of a copy of this order. If the petitioners are entitled to the reliefs sought for, the respondents will be obliged to pass an order taking into account the Clause 4.(C)(1) of the State Litigation Policy. With the aforesaid observation and direction, the present writ application stands disposed of.

(Mohit Kumar Shah, J)

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