

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8450 of 2018

1. Janardhan Modi Son of Late Makradhwaj Modi, Resident of Village- Raghunathpur, P.O.- Barsoi Ghat, P.S.- Barsoi, District- Kaimur.
2. Md. Tahir, Son of Rahim Bukhs, Resident of Village- Belon Sihpur, P.O.P.S.- Baliyabelon, District- Katihar.
3. Minoti Rani Das, Wife of Dhaneshwar Prasad Das, Resident of Village- Roshanganj, P.O.P.S.- Baliyabelon, District- Katihar.
4. Md. Mustak Hussain, Son of Amiruddin, Resident of Village P.O.- Belwari, P.S.- Azamnagar, District- Katihar.
5. Md. Yasin, Son of Late Sheikh Saffiruddin, Resident of Village- Rajoul, P.O.- Dangol, District- Katihar.
6. Md. Abdul Subhan, Son of Late Jamaluddin, Resident of Village- Shitalpur, P.O.- Shitalpur Wakar, P.S.- Barsoi, District- Katihar.
7. Dulali Devi, Wife of Late Bhawesh Chandra Das, Resident of Village- Hati Kandhal, P.O.- Batna, P.S.- Barsoi, District- Katihar.
8. Tanvir Suraiya Khatoon, Wife of Md. Abu Haidar, Resident of Village- Imadpur, P.O.- Barsoi Ghat, P.S.- Barsoi, District- Katihar.
9. Gulam Hussain, Son of Sheikh Abul Hussain, Resident of Village- Bar Pokhar, P.O.- Telta, P.S.- Balrampur, District- Katihar.
10. Md. Abdul Gaffar, Son of Md. Eshak, Resident of Village- Singhiya, P.O.- Shitalpur, Wakar, P.S.- Balrampur, District- Katihar.
11. Sheikh Naimuddin, Son of Md. Ismiel, Resident of Village- Adampur, P.O.- Azjrail, P.S.- Balram, District- Katihar.
12. Md. Taib, Son of Late Rahim Bukhs, Resident of Village- Molnapur, P.O.- Barsoi Ghat, P.S.- Barsoi, District- Katihar.
13. Rubeda Khatoon, Wife of Juber Alam, Resident of Village P.O.- Dangol, P.S.- Balrampur, District- Katihar.
14. Md. Taimur Alam, Son of Late Mohunuddin, Resident of Village P.O.P.S.- Baliyabelon, District- Katihar.
15. Vaneshwar Kumar Sarkar, Son of Late Umesh Chandra Sarkar, Resident of Village P.O.P.S.- Baliyabelon, District- Katihar.
16. Rabia Khatoon, Wife of Late Fazrul Rahman, Resident of Village- Balsi, P.O.- Hat Balrampur, P.S.- Abadpur, District- Katihar.
17. Md. Ali Hussain, Son of Late Imarat Hussain, Resident of Village- Alakh Pokhar, P.O.- Sadapur, P.S.- Baliyabelon, District- Katihar.
18. Md. Shafiquel Hauqe, Son of Jalim Hauqe, Resident of Village- Ghatta, P.O.- Gwaltoli, P.S.- Barsoi, District- Katihar.
19. Hairon Nisa, Wife of Late Abdul Halim, Resident of Village- Ghatta, P.O.- Gwaltoli, P.S.- Barsoi, District- Katihar.
20. Nurnihar, Wife of Late Saidur Rahman, Resident of Village- Ghatta, P.O.- Gwaltoli, P.S.- Barsoi, District- Katihar.



21. Md. Rakilur Rahman, Son of Late Samsuddin, Resident of Village- Alakh Pokhar, P.O.- Sadapur, P.S.- Baliyavbelon, District- Katihar.
22. Kebli Devi, Wife of Late Sitachandra Das, Resident of Village- Puriya, P.S.- Abadpur, P.O.- Gwaltoli, District- Katihar.
23. Valiyul Islam, Son of Late Azizur Rahman, Resident of Village- Sitalpur, P.O.- Sitalpur Wakar, P.S.- Barsoi, District- Katihar.
24. Awadhesh Tripathi, Son of Late Ramekwal Tripathi, Resident of Village- Raghunathpur, P.O.- Barsoi Ghat, P.S.- Barsoi, District- Kaimur.
25. Reena Das, Wife of Narendra Nath Das, Resident of Village- Raghunathpur, P.O.- Barsoi Ghat, P.S.- Barsoi, District- Kaimur.
26. Md. Ayub Slam, Son of Isharat Hussain, Resident of Village- Nauranga, P.O.- Barsoi Ghat, P.S.- Azamnagar, District- Katihar.
27. Md. Mazahir Alam, Son of Late Tazuddin, Resident of Village- Videhpur, P.O.- Bholaganj, P.S.- Baliyabelon, District- Katihar.
28. Supriti Das, Wife of Late Abhay Charan Das, Resident of Village- Kamrol, P.O.- Bighorhat, P.S.- Barsoi, District- Katihar.
29. Bibi Nazum Nisa, Wife of Late Mazidur Rahman, Resident of Village- Naya Tola, Baluganj, P.O.- Sadapur, P.S.- Baliyabelon, District- Katihar.
30. Halima Khatoon, Wife of Late Israrul Haque, Resident of Village- Fudkipur, P.O.- Nimol Hat, P.S.- Azamnagar, District- Katihar.
31. Jamila Khatoon, Wife of Late Abdur Rashid, Resident of Village- Fudkipur, P.O.- Nimol Hat, P.S.- Azamnagar, District- Katihar.
32. Anuj Sharma, Son of Late Mahadev Sharma, Resident of Village- Motbari, P.O.- Dangol, P.S.- Balrampur, District- Katihar.
33. Md. Samiruddin, Son of Sheikh Kaffiluddin, Resident of Village- Naya Tola, Pastiya, P.O.- Baltar, P.S.- Azamnagar, District- Katihar.
34. Md. Makbul Hussain, Son of Tasar Mohammad, Resident of Village- Ghoradiha, P.O.- Batna, P.S.- Barsoi, District- Katihar.
35. Md. Munuddin Ansari, Son of Md. Umar Ali Ansari, Resident of Village- Mariya Shivpur, P.O.- Baliyabelon, District- Katihar.
36. Anbara Begam, Wife of Late Kayum Choudhary, Resident of Village- Malapara, P.O.- Gwaltoli, District- Katihar.
37. Md. Nasimuddin, Son of Late Khairuddin, Resident of Village- Chandhar, Nista, PO.- Baghwa, P.S.- Baliyabelon, District- Katihar.
38. Md. Sahnawaz Alam, Son of Late Mukhtar Ahmad, Resident of Village P.O.- Salmari, P.S.- Barsoi, District- Katihar.
39. Aisha Khatoon, Son of Late Khalil Resident of Moulanapur, P.O.- Barsoi, Ghat, P.S.- Barsoi, District- Katihar.
40. Md. Sarful Hoda, Son of Late Sheikh Tamizuddin, Resident of Village- Baghwa, P.S.- Baliyabelon, District- Katihar.
41. Ujjwala Shutradhar, Wife of Late Bisheshwar Shutradhar, Resident of Village- Raghunathpur, P.O.- Barsoi Ghat, P.S.- Barsoi, District- Katihar.
42. Md. Maksud Alam, Son of Panaullah, Resident of Village- Videpur, P.O.-



Bhelaganj, P.S.- Baliyabelon, District- Katihar.

43. Abdul Bari, Son of Sheikh Ahshanul Haque, Resident of Village- Basagaon, P.O.- Jalki, P.S.- Azamnagar, District- Katihar.
44. Md. Abdul Rab, Son of Kamiruddin, Resident of Village- Hura Hazra, P.O.- Porla, P.S.- Azamnagar, District- Katihar.
45. Md. Yasin, Son of Azimuddin, Resident of Village P.O.- Nimol, P.S.- Azamnagar, District- Katihar.
46. Md. Nizamuddin, Son of Late Zahiruddin, Resident of Village- Motwari, P.O.- Dangol, P.S.- Barsoi, District- Katihar.
47. Navkant Thakur, Son of Late Gangadhar Thakur, Resident of Village- Nohar, P.O.P.S.- Gwalpara, District- Madhepura.
48. Jai Narayan Jha, Son of Late Krishananand Jha, Resident of Village- Jha Tola, P.S.- Kadwa, District- Katihar.
49. Nand Kumar Das, Son of Late Govind Lal Das, Resident of Village- Ghum Tola, P.O.- Balrampur, P.S.- Barsoi, District- Katihar.
50. Abdul Rauf, Son of Late S.K. Saiyad Ali, Resident of Village- Nauranga, P.O.- Barsoi Ghat, P.S.- Azamnagar, District- Katihar.
51. Maheshwar Yadav, Son of Late Shikheswar Yadav, Resident of Village- Nand Gram, Jarlahi, P.O.- Pawai, P.S.- Korha, District- Katihar.
52. Saiyad Masoor Alam, Son of Abdul Safique, Resident of Village P.O.- Jalki, P.S.- Azamnagar, District- Katihar.
53. Naimuddin, Son of Sheikh Mofizuddin, Resident of Village- Jazin Tola, Bagdar, P.O.- Mukuria, P.S.- Beliyabelon, District- Katihar.
54. Bhabhukshan Mehta, Son of Late Fulchu Mehta, Resident of Village- Badi Vaish Dira, P.O.- Choti Baish Dira, P.S.- Barari, District- Katihar.
55. Ambika Yadav, Son of Siflu Yadav, Resident of Village P.O.- Guru Bazar, P.S.- Barari, District- Katihar.
56. Abjoon Nisha, Wife of Late Nur Mohammad, Resident of Village- Baghwa, P.S.- Baliyabelon, District- Katihar.
57. Shamima Khatoon, Son of Late Ishaque Shikshak, Resident of Village- Dangol, District- Katihar.
58. Sabera Khatoon, Wife of Abdul Latif Shikshak, Resident of Village- Chandar Nista, P.O.- Baghwa, District- Katihar.
59. Md. Abas, Son of Late Abdul Aziz, Resident of Village- Badi Shikarpur, P.O.- Dasgram, P.S.- Abadpur, District- Katihar.
60. Mashuma Begam, Daughter of Late Khurshid Alam, Resident of Village- Baghwa, P.S.- Kadwa, District- Katihar.
61. Abdul Gani, Son of Late Saidur Rahman, Resident of Village- Pachgachi, P.O.- Salmari, P.S.- Azamnagar, District- Katihar.
62. Sahabuddin, Son of Late Nasimuddin, Resident of Village- Pachgachi, P.O.- Salmari, P.S.- Azamnagar, District- Katihar.
63. Sahabuddin, Son of Late Januddin, Resident of Village- Sahjana, P.O.- Porla, P.S.- Azamnagar, District- Katihar.



64. Khiroda Devi, Wife of Late Surendra Nath Das, Resident of Village P.O.- Sonapur, P.S.- Abadpur, District- Katihar.
65. Shafiqul Haque, Son of Late Anaruddin, Resident of Village P.O.- Mathurapur, P.S.- Abadpur, District- Katihar.
66. Yogendra Yadav, Son of Tanik Lal Yadav, Resident of Village- Ramnagar, Ward No.25, P.O.District- Katihar.
67. Abdul Kaiyum, Son of Late Shaifudin Ahmad, Resident of Village P.O.P.S.- Azamnagar, District- Katihar.
68. Sadhan Thakur, Son of Shiv Nath Thakur, Resident of Village- Rohiya, P.O.P.S.- Azamnagar, District- Katihar.
69. Brahamanand Jha, Son of Jhulanand Jha, Resident of Village P.O.- Ragheli, P.S.- Dandkhora, District- Katihar.
70. Pushpa Devi, Wife of Dharnidhar Prasad Singh, Resident of Village- Chandahnagar Mali, P.O.- Shreepur, P.S.- Bhawanipur, District- Purnea.
71. Md. Faruk Azam, Son of Late Ishak, Resident of Village- Gattha, P.O.- Gwaltoli, PS- Barsoi, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principle Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Education Department, Govt. of Bihar, Patna.
4. The Regional Dy. Director of Education Department, Purnea.
5. The District Education Officer, District Katihar.
6. The District Programme Officer Est, Katihar, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
For the Respondent/s : Mr. Ram Vinay Pd. Singh @ Sanjay AC to GA-12

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 22-08-2022

Heard the parties.

The petitioners admittedly have retired long back.

They have preferred this petition granting them time bound promotion after having attained Matric Trained Basic Scale.



Respondents have not denied their case in their counter affidavit but it is stated that out of the 71 petitioners, the few who have completed the requisite period as per the Rules of 1993 i.e. 12/18 years of service in matric trained senior scale, while there would be some to whom the rules of 2011 would apply, wherein provision is for granting promotion is on completing 24 years of service in matric trained basic scale. The respondents, therefore, have submitted that each case has to be examined after looking into their record of service.

Submission of respondents is found to be of some basis, however, it would not stop this court from directing the respondents to conduct the said exercise, as it is the duty of the State to provide the benefit to its employees especially those who have already retired.

The financial benefits entailing on completion of their requisite service has to be, therefore, released expeditiously. In order to expedite the matter, it is directed that each of the petitioners shall submit an independent representation with details of the service rendered on completion of matric trained senior scale to the District Programme Officer, Katihar, who will conduct the exercise at his own level after examining the service records and pass orders positively within a period of



four months from the date of submitting of the representation.

It is made clear that the petitioners shall be free to initiate contempt proceeding if the said exercise is not completed within four months as above without any further notice.

The writ petition is accordingly disposed of.

(Sanjeev Prakash Sharma, J)

amit/-
Item no.53

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