

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6171 of 2016

1. Satya Narayan Prasad Son of Late Ramashray Prasad, Resident of Village- Lohganjer, P.S- Asawan, District- Siwan, presently posted as Peon in Rajendra Singh High School, Lohganjer, District- Siwan.
2. Ram Nath Mishra, Son of Late Baldeo Misha, Resident of Village- Sisai Ekawan Tola, P.S.- Goriyakoti, District- Siwan, presently posted as Peon in Sihauta Bangra High School, Maharajganj District- Siwan.
3. Satendra Yadav, Son of Late Bacha Yadav, Resident of Village- Baishakhi, P.S- O.P. Sarai, District- Siwan presently posted as peon Ayodhya Agrawal Sanatan Dharn High School, Barkagaon, District- Siwan.
4. Syed Mohsin Nawab, Son of Late Syed Ali Hasnain, Resident of Village- Karnpura, Post- Basopali, P.S.- Muffasil, District- Siwan, presently posted as Peon, Gandhi Smarak Vidya Mandir High School Cum Inter College , Pachrukhi, District Siwan.
5. Ramesh Yadav, Son of Late Ram Narian Chaudhary, Resident oc Village- Mallupur, Post and P.S.- Pachrukhi, District- Siwan, presently posted as Peon Public High School Sahuli, District- Siwan.
6. Dharmveer Chaudhary, Son of Sri Harinandan Chaudhary, Resident of Village- Devanchak, Post- Jagdishpur, Kothi, P.S- Nautan, District Siwan, presently posted as Peon High School, Jagdishpur Kothi, District- Siwan.
7. Harendra Prasad, Son of Sohan Prasad, Village- Shivpur Mathia, Post- Mairwa, P.S.- Mairwa, District- Siwan, presently posted as Peon Town High School, Mairwa, District-Siwan.
8. Indradeo Prasad, Son of Ramdeo Prasad, Village- Madhwapur, Post- Chitauli , P.S.- Siswan, District- Siwan, presently posted as Peon Gandhi Smarak Vidya Mandir High School Cum Inter College, Pachrukhi, District- Siwan.
9. Surendra Kumar Yadav, Son of Sri Munga Lal Yadav, Village- Kuparia, Post- Jataila, P.S. Triveniganj, District- Supaul, presently posted as Peon, Mahendra High School, Zeeradei, District- Siwan.
10. Vivekanand Singh, Son of Madan Singh, Resident of Village- Bhagwanpur Ekdanga, P.S.- Mirganj, District- Gopalganj, presently posted as Peon High School, Jagdishpur Kothi, District- Siwan.
11. Durga Prasad, Son of Late Ganesh Sah, Village and Post- Sahuli, P.S.- Hussainganj, District- Siwan, presently posted as Peon, Chandra Badan High School, Usri Dhanwati, District- Siwan.
12. Amit Kumar Gupta, Son of Late Swaminath Sah, Village and Post- Rajapur, P.S.- Darauda, District- Siwan, presently posted as Peon, Asharfi Lal High School, Laxmiganj, Chitauli, District- Siwan.
13. Sajjan Kumar Prasad, Son of Late Mungalal Mahto, Village- Dhobbalia Kothi, Post- Jigarba, P.S.- Maharajganj, District- Siwan, presently posted as Peon Sri Ganesh Mathura High School, Mora-Mairi, District- Siwan.
14. Durgesh Kumar Mishra, Son of Late Girija Kishore Mishra, Village- Pakri Mikain, Post- Bairya, P.S.- Kataiya, District- Gopalganj, presently posted as



Peon Ganga Bux Kanodia High School, Sahpur, District- Siwan.

15. Dharmendra Kumar Singh, Son of Late Raghunath Singh, Village- Harpalpur, Post-Nadiaw, P.S.- M.H. Nagar, Hasanpura, District- Siwan, Presently posted as Peon D.A.V. High School, Siwan, District- Siwan.
16. Ajay Kumar Yadav, Son of Baristar Yadav, Village- Rampur Jivhar, Post- Babliwan Sagar, P.S.- Bishambharpur, District- Gopalganj, presently posted as Peon Sri Vidya Sundar High School, Amlori, Sarsar, District- Siwan.
17. Arvind Kumar, Son of Ramadhar Yadav, Village- Habibnagar, Post- Habibnagar, P.S- Hussainganj, District- Siwan, presently posted as Peon, Gayadas, Kabir High School, Rashidchak, Siwan, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Saran Division, Chapra.
4. The District Education Officer, Siwan.
5. The District Education Programme Officer Establishment, Siwan.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP-14

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-10-2023 The present writ petition has been filed
seeking the following relief:-

“1.(i) For issuance of any appropriate writ or writs specially in the nature of Mandamus commanding and directing the respondents concerned to promote the petitioners on Class-III post from Class-IV post in terms of resolution of the Finance Department, Government of Bihar, Patna issued



under Letter No 2937 dated 31.3.2011 (Annexure-2) and in terms of aforesaid resolution, the Education Department also issued order bearing Letter No. 1971 dated 13.8.2012 (Annexure-3) issued under the signature of Joint Secretary, Department of Education whereby it has clearly been directed to all the Regional Deputy Director and District Education Officer to promote Class-IV employees on Class-III posts on 15% post who hold requisite qualification without taking any examination from them and since the petitioners hold requisite qualification and come under consideration, filed their representation but till date the respondents have not taken any decision and sitting tight over the matter, result of that many eligible persons have already been retired waiting their due promotion and many of the petitioners are going to be superannuated very shortly.”

2. At the outset, the learned counsel for the petitioners submits that except petitioner no. 2,



rest of the petitioners have been granted promotion on the Class-III post, hence the petitioner no. 2 be granted liberty to approach the respondent authorities for being granted promotion to the Class-III post. Liberty, so sought, is granted.

3. As far as the petitioners no. 1 & 3 to 10 are concerned, the present writ petition has been rendered infructuous, hence is dismissed qua them.

4. Accordingly, the writ petition stands disposed off qua the petitioner no. 2.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

