

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13814 of 2021

1. Jagarnath Prasad S/o Indradev Bhagat Resident of Maharaj Colony, Pankhatoli, P.S.-Mushari, District-Muzaffarpur, Presently Posted as Assistant Teacher, Upgraded Middle School, Minapur, District-Muzaffarpur.
2. Baidya Nath Rai S/o Tileshwa Rai Resident of Machhahi, P.S.-Sakra, District-Muzaffarpur, Presently Posted as Assistant Teacher, Middle School, Mahanth Maniyari, Kudhni, District-Muzaffarpur.
3. Amrendra Kumar Jha, S/o Makardhwaj Jha Resident of Jagrangdih, District-Muzaffarpur, Presently Posted as Assistant Teacher, Aadarsh Middle School, Saraiya Ganj, District-Muzaffarpur.
4. Vinod Maitha S/o Budhan Baitha Resident of Village-Minapur Road, Daud Chapra, District-Muzaffarpur, Presently Posted as Assistant Teacher, Upgraded Middle School, Dharampur Narayan, Minapur, District-Muzaffarpur.

... .. **Petitioners**

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Regional Dy. Director of Education, Tirhut Division, Muzaffarpur.
5. The District Education Officer, Muzaffarpur, District-Muzaffarpur.
6. The District Programme Officer (Establishment), Muzaffarpur.

... .. **Respondents**

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh. Advocate
For the Respondent/s : Mr. Madhukar Mishra, AC to SC-16

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 28-08-2023 Heard Mr. Shashi Bhushan Singh, learned counsel for the petitioners and Mr. Madhukar Mishra, learned AC to SC-16 for the State.

2. Learned counsel for the petitioners undertakes to remove the defects within two weeks.

3. Subject to above undertaking, this Writ Application has



been taken up for consideration.

4. The petitioners, in the present case, are seeking the following reliefs:

“(I) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent authority to grant promotion to the petitioners on the post of Headmaster w.e.f. 29.06.2017 in view of letter issued by the Special Director, Education Department, Govt. of Bihar contained in Memo No. 484 dated 31.03.2018 with all consequential monetary benefit as similarly situated teachers have been promoted to the post of Headmaster but legitimate claim of the petitioners have been left in lurch for long period.

(II) For issuance of any other writ/writs, direction/directions, order/orders for which the writ petitioners shall be found entitled under the facts and circumstances of the case.”

5. At the outset, Mr. Shashi Bhushan Singh, learned counsel for the petitioners submits that the case of these petitioners would be covered by the judgment of this Court in CWJC No. 12123/2019 (*Ram Ekbal Ram and others Vs. The State of Bihar and others*). The only submission of learned counsel for the petitioners is that this writ application may be disposed of with a direction to the respondents to consider the case of the petitioners in the light of the judgment of this Court passed in CWJC No. 12123/2019 and take an appropriate decision with respect to the petitioners.

6. Learned counsel for the State submits that even as no counter affidavit has come on the record in the present case, he would have no objection if this writ application is disposed of



directing the respondents to examine the case of the petitioners under the provisions of the Bihar Litigation Policy, 2011 and direct the respondents to take an appropriate view of the matter.

7. Having regard to the aforementioned submissions, this Writ Application is being disposed of with a direction to the respondents to examine the case of the petitioners in the light of the judgment of this Court passed in CWJC No. 12123/2019, and, in case, the case of the petitioners are found standing on similar footing, appropriate order be passed within a period of three months from the date of receipt/communication of a copy of this order.

8. In case, the respondents, after examination of the case of the petitioners, come to any other view, the same be communicated to the petitioners with a reasoned order within the same period.

9. This Writ Application stands disposed of accordingly.

10. Certified copy of the this order will be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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