

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.736 of 2024

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Arvind Kumar Mishra Son of Late Tripurari Resident of Village-Kharahuwa,
P.S.-Khaira, District-Jamui Presently Posted as an Assistant Teacher in
Upgraded Middle School, Machhindra, Anchal-Jhajha, District-Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
New Secretariat, Patna.
2. The Director, Primary Education, New Secretariat, Patna.
3. The Regional Deputy Director of Education, Munger Division Munger.
4. The District Education Officer, Jamui District-Jamui
5. The District Programme Officer, Establishment, Jamui, District-Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amar Prakash
For the Respondent/s : Mr.Government Pleader (5)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 22-03-2024

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ application has been filed for the
following relief/s:

*“i. For issuance of a writ of Mandamus
commanding the respondent Authorities to take the
same stand in the case of the petitioner as taken in
judgment and order dated 22-08-2019 passed by
the Hon’ble Full Bench of this Hon’ble Court in
C.W.J.C. No.11255/2016 with C.W.J.C.
No.3828/2015 (as contained in Annexure-1) and
accordingly the stand taken by the Respondent*



State Authority by a general order vide Memo No.380 dated 17-04-2023 in similar situated case (as contained in Annexure-2).

The case of the petitioner is fully covered with the aforementioned judgment of the Hon'ble Full Bench of this Hon'ble Court and hence the respondents Authorities be directed to consider the case of the petitioner and to grant him the promotion and the same benefits with effect from the date, the benefits have been granted to the juniors to the petitioner.

ii. Further issuance of an appropriate in the nature of mandamus commanding the respondent authorities to grant promotion on B.A. Trained scale/post to the petitioner with effect from the date, the juniors have been promoted.

iii. Further for issuance of an appropriate writ directing the respondent authorities to pay all the consequential benefits to the petitioner for which he be found entitled to.

iv. Further for issuance of an appropriate writ/order/direction for which the petitioner be found entitled to.”

3. Learned counsel for the petitioner submits that the petitioners' case is fully covered by the judgment passed by this Court in C.W.J.C. No.11255/2016 dated 22.08.2019. It is submitted that the junior to the petitioner has been granted



promotion but petitioner was left out.

4. A counter-affidavit has been filed on behalf of the State, in which, it is mentioned at para-14 that the answering respondents will consider the representations submitted by the petitioners and after scrutinizing the present matter, will take appropriate steps in order to redress the grievances of the petitioners. For the same, the answering respondents are holding a meeting to adjudicate the matter outside the Court by following due process of law.

5. Considering the aforesaid facts, since the case of the petitioner stands on similar footing to that of the petitioners of C.W.J.C. No.11255/2016, there is no requirement to keep pending the present writ application.

6. Accordingly, the respondent no.4 is directed to consider the representation of the petitioner by passing a reasoned and speaking order in accordance with law, within a period of six weeks from today, in light of C.W.J.C. No.11255/2016 and considering that some of the juniors have been granted promotion.

7. It is hereby made clear that, if the representation of the petitioner is not considered within the stipulated period, the respondent no.4 shall be personally held responsible for non-



complying the order of this Court.

8. With the aforesaid directions, this writ application is hereby disposed off.

(Anjani Kumar Sharan, J)

pallavi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.03.2024
Transmission Date	NA

