

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1048 of 2022

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Md. Atiullah, Son of Md. Waizul Haque, Resident of Village - Mahuawa, P.S.
- Chiraiya, East Champaran, Bihar at present retired Asst. Teacher of Primary
School, East Champaran. Petitioner.

Versus

1. The State of Bihar, through Chief Secretary Government of Bihar.
 2. The District Education Officer, East Champaran, Motihari.
 3. The District Primary Education Promotion Committee, East Champaran,
Motihari.
 4. The District Programming Officer, (Establishment) Motihari.
 5. The District Account Officer, East Champaran.
- Respondents.

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Appearance :

For the Petitioner/s	:	Mr. Prem Prakash Arya, Advocate
For the Respondent/s	:	Mr. Madan Jeet Kumar, GP-20
		Mr. Narendra Kumar, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 09-05-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. By the present writ application, the petitioner seeks
a direction upon the respondents to promote him in senior
selection grade-III (Parvaran) scale as per the provisions of
Elementary School Teacher Promotion Rules, 1993 and the
arrears etc may also be given to him for which he is entitled.

3. The petitioner was appointed as Assistant Teacher
on 14.08.1973 and superannuated from the service in July, 2009,
after completion of about 36 years in service. In the whole
service career, except 1st time bound promotion, the petitioner
was not given any promotion, whereas juniors to him were



given promotion. Learned counsel for the petitioner produced a copy of the Memo No.19300 dated 13.10.2023 in which it is stated that subject to final outcome of Civil Appeal No.4880 of 2017 (The State of Bihar and others Vs. Sushil Singh and others), the promotion shall be given provisionally.

4. A counter affidavit has been filed on behalf of the State, in which *inter alia* it is stated that vide Memo No.5066 dated 11.04.2019, till further orders, the promotion on all the posts shall be suspended.

5. Having heard learned counsel for the parties, in my considered opinion, no useful purpose would be served in keeping this writ petition pending. Accordingly, this writ application is disposed of with a direction to the petitioner to file a detailed representation before the District Primary Education Promotion Committee, East Champaran at Motihari (respondent no.3) along with the documents in support of his claim within a period of two months from today. The respondent no.3 is directed to consider the case of the petitioner in the light of Memo No.19300 dated 13.10.2023, after affording opportunity of personal hearing and pass a reasoned and speaking order in accordance with law within four months from the date of receipt of such representation.



6. It is made clear that respondent no.3 shall be solely liable for non-compliance of this order within the stipulated period.

(Anjani Kumar Sharan, J)

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