

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7299 of 2017

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Kiran Kumari W/o Anil Kumar R/o Mohalla- Purani Sahar , Barbigha, P.S.
Barbigha in the district of Sheikhpura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Department of Education, Govt. of Bihar, Patna.
3. The District Magistrate, Sheikhpura.
4. The Regional Deputy Director of Education, Munger.
5. The District Education Officer, Sheikhpura.
6. The District Program Officer Establishment, Sheikhpura.
7. The Block Education Officer, Barbigha, Sheikhpura.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 7308 of 2017

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Bimla Kumari Sinha W/o Sri Indu Bhushan Singh R/o Vill. Nimi, P.S. -
Sheikhopursarai in the district of Sheikhpura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Department of Education, Govt. of Bihar, Patna.
3. The District Magistrate, Sheikhpura.
4. The Regional Deputy Director of Education, Munger.
5. The District Education Officer, Sheikhpura.
6. The District Program Officer Establishment, Sheikhpura.
7. The Block Education Officer, Barbigha, Sheikhpura.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 8109 of 2017

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Anil Kumar S/o Rajendra Prasad Singh R/o Mohalla - Purani Sahar, Barbigha
P.S. Barbigha in the district of Sheikhpura.

... .. Petitioner/s

Versus



1. The State Of Bihar
2. The Director, Primary Education, Department of Education, Govt. of Bihar, Patna.
3. The District Magistrate, Sheikhpura.
4. The Regional Deputy Director of Education, Munger.
5. The District Education Officer, Sheikhpura.
6. The District Program Officer Establishment, Sheikhpura.
7. The Block Education Officer, Barbigaha, Sheikhpura.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 7299 of 2017)

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Respondent/s : Smt. Shilpa Singh-GA12

(In Civil Writ Jurisdiction Case No. 7308 of 2017)

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Respondent/s : AAG15

(In Civil Writ Jurisdiction Case No. 8109 of 2017)

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Respondent/s : Smt. Binita Singh- SC28

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 04-07-2024

Civil Writ Jurisdiction Case No.7299 of 2017

2. The petitioner has filed Civil Writ Jurisdiction Case No.7299 Of 2017 for quashing the Memo No.47 dated 02.02.2017 issued by three members Committee constituted by District Magistrate, Sheikhpura whereby claim of the petitioner as Headmistress has been rejected on the ground that her academic session is overlapping with training session.

3. Learned counsel appearing for the petitioner submits that the petitioner has completed her I.Sc. in the session of 1981-1983 and her session for training was 1980-1982. The petitioner was given promotion as Graduate Trained Teacher



despite the academic and training sessions were partially overlapping but she has been denied promotion arbitrarily as Headmistress on the same ground. Learned counsel also submits that a Circular was issued on 13.03.2012 by the Director, Primary Education addressed to all the District Education Officer stating therein that candidates who were appointed prior to 1995 on the basis of their educational qualification of matric and completion of training of two years, they can be considered for appointment even if there is overlapping of education qualification of Intermediate and two years training course. The candidates appointed after 1995 having the overlapping of training course and education qualification of Intermediate cannot be considered for appointment. The petitioner has been appointed on 08.04.1987 i.e., prior to 1995 and is covered by the Circular dated 13.03.2012.

Civil Writ Jurisdiction Case No. 7308 of 2017

4. The petitioner has filed Civil Writ Jurisdiction Case No. 7308 Of 2017 for quashing the Memo No.18 dated 02.02.2017 issued by three members Committee constituted by District Magistrate, Sheikpura whereby promotion of the petitioner as Headmistress has been rejected on the ground that her academic session is overlapping with training session.

5. Learned counsel appearing for the petitioner



submits that the petitioner has completed her I.Sc. in the session of 1976-1978 and her session for training was 1977-1979. The petitioner was given promotion as Graduate Trained Teacher despite the academic and training sessions were partially overlapping but she has been denied promotion arbitrarily as Headmistress on the same ground. Learned counsel also submits that a Circular was issued on 13.03.2012 by the Director, Primary Education addressed to all the District Education Officer stating therein that candidates who were appointed prior to 1995 on the basis of their educational qualification of matric and completion of training of two years, they can be considered for appointment even if there is overlapping of education qualification of Intermediate and two years training course. The candidates appointed after 1995 having the overlapping of training course and education qualification of Intermediate cannot be considered for appointment. The petitioner has been appointed on 07.05.1988 i.e., prior to 1995 and is covered by the Circular dated 13.03.2012.

Civil Writ Jurisdiction Case No. 8109 of 2017

6. The petitioner has filed Civil Writ Jurisdiction Case No. 8109 of 2017 for quashing the Memo No.16 dated 02.02.2017 issued by three members Committee constituted by District Magistrate, Sheikpura whereby claim of the petitioner



as Headmaster has been rejected on the ground that his academic session is overlapping with training session.

7. Learned counsel for the petitioner submits that the petitioner has completed his I.Sc. in the session of 1978-1980 and his session for training was 1979-1981. The petitioner was given promotion as Graduate Trained Teacher despite the academic and training sessions were partially overlapping but he has been denied promotion arbitrarily as Headmaster on the same ground. Learned counsel also submits that a Circular was issued on 13.03.2012 by the Director, Primary Education addressed to all the District Education Officer stating therein that candidates who were appointed prior to 1995 on the basis of their educational qualification of matric and completion of training of two years, they can be considered for appointment even if there is overlapping of education qualification of Intermediate and two years training course. The candidates appointed after 1995 having the overlapping of training course and education qualification of Intermediate cannot be considered for appointment. The petitioner has been appointed on 08.04.1987 i.e., prior to 1995 and is covered by the Circular dated 13.03.2012.

8. Accordingly, learned counsel appearing for all the



aforesaid three petitioners submits that the matter may be referred before the District Education Officer, Sheikpura for consideration of the case of the petitioner for promotion with liberty to the petitioners to appear before him and place the relevant materials.

9. Learned counsel for the State submits that he has got no objection if the matter is referred to the District Education Officer.

10. Having heard learned counsel for the parties and taking into consideration the nature of prayer made in this application, let representation be filed by the petitioners along with supportive documents before the District Education Officer, Sheikpura within a period of four weeks and if such representation is filed, the District Education Officer is directed to dispose the same by a reasoned order after giving the opportunity of hearing to the petitioners and all concerned within a reasonable time frame.

11. Accordingly, all the three petitions stand disposed of with the aforesaid observation and direction.

(Anil Kumar Sinha, J)

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