

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1668 of 2019

Hari Shankar Chaudhary Shri Laljee Choudhary Resident of Village-Bangra, Post Office-Karom, P.s. Guthani, Dist.-Siwan. At present posted and working as an Assistant Teacher (In Charge Headmaster) in Govt. Middle School Khedhayn, Anchal-Andar, Dist.-Siwan

... .. Petitioner/s

Versus

1. The State of Bihar and Ors Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The District Magistrate, Siwan
5. The Regional Deputy Director of Education, Saran Division, Chapra
6. The District Education Officer, Siwan
7. The District Education Officer-cum-the Chairman, District Teacher Promotion Committee, Dist.-Siwan
8. The District Programme Officer, Establishment (Education), Siwan
9. The District Programme Officer Establishment (Education)-cum-the Member Secretary, District Teacher Promotion Committee, Dist.-Siwan The Block Education Officer, Andar, Dist.-Siwan
10. The Block Education Officer, Andar, Dist.-Siwan
11. The District Treasury Officer, Siwan

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Mr. Madhaw Pd. Yadaw (Gp23)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 22-03-2024

Heard learned counsel for the parties.

2. The petitioner has moved before this Court for the following reliefs:-

(i) For issuance of writ for quashing memo no.32 dated 07.01.2019, issued under the signature of the Regional Deputy



Director of Education, Saran Division, Chapra, by which, the promotion and posting of the teachers in graduate trained pay scale Arts/Science given vide memo no.3243 to 3247 dated 10.11.2018 including the petitioner's is being cancelled with immediate effect without notice to the petitioner, who has been promoted in the graduate trained pay scale Science and he has already joined his respective school after promotion and posting as well as for quashing the consequential memo no.124 dated 12.01.2019 issued under the signature of the District Education Officer (Establishment), Siwan, in which, it has been mentioned that in the light of memo no.32 dated 07.01.2019 by the Regional Deputy Director of Education, the promotion given in the graduate trained pay scale Arts/Science is being cancelled with immediate effect and all the Block Education Officers have been directed to relieve the teachers.

(ii) For issuance of writ by restraining the respondent authorities concerned to not make hindrance in proper functioning of the petitioner in the graduate trained pay scale Science in his respective school, as the petitioner has been promoted in graduate trained pay scale Science after following the due procedure from the due date of his entitlement as per direction of this High Court passed in C.W.J.C. No.681 of 2015



(Harishankar Choudhary vs. The State of Bihar and Ors).

(iii) For issuance of writ for commanding and directing the respondent authorities concerned to allow the petitioner to continue in graduate trained pay scale Science in his respective school, in which, he has been directed to be posted after his promotion in graduate trained pay scale Science, as per the decision of respondent authorities concerned and he has been allowed to join in his respective school in graduate teacher trained pay scale Science and on the basis of the same, he joined on 16.11.2018 and he is continuing in graduate trained pay scale Science in Govt. Middle School Khedhayn, Anchal-Andar, District-Siwan.

(iv) For any other writ, order, direction for which the petitioner would be entitled to in the facts and circumstances of the present case.

3. Learned counsel for the petitioner submits that the present writ application is squarely covered by the order passed by this Court in C.W.J.C. No.1780 of 2019 dated 11.03.2024. He submits that without hearing the petitioner, Annexure-12 and 13 was passed by the Regional Deputy Director of Education, Siwan and this statement is not denied by the learned counsel for the State.



4. Considering this fact, Annexure-12 and 13 of the present writ application is hereby quashed and petitioner is directed to file a detailed representation, along with a copy of order passed in C.W.J.C. No.15610 of 2018 before the concerned respondent within a period of four weeks and the respondent is advised to consider the case of the petitioner after hearing him or his counsel and pass a reasoned and speaking order in accordance with law within a period of eight weeks thereafter.
5. It is made clear that the concerned respondent shall be liable for non-compliance of this order with the stipulated period.
6. With the aforesaid direction, this writ application stands disposed of.
7. However, if the order is passed in favour of the petitioner, he shall be entitled to get all the consequential benefits.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.03.2024
Transmission Date	NA

