

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5926 of 2020

1. Ram Sarober Bharti S/o Sri Ramswarth Yadav R/o Village- Sirahi, P.S.- Basopatti, District- Madhubani Presently working as Prakhand Teacher, Middle School Sirahi, Block- Basopatti, District- Madhubani.
2. Tej Narayan Yadav S/o Sri Ramsagar Yadav R/o Village- Navtol Ghorbanki, Ward No.- 11, P.S.- Basopatti, District- Madhubani Presently working as Prakhand Teacher, Middle School Ghorbanki, Block- Basopatti, District- Madhubani.
3. Yadav Rajkumar Laxman S/o Sri Laxman Yadav R/o Ward no.- 12, Manapatti Hathapur, District- Madhubani Presently working as Prakhand Teacher, Middle School Panchratan, Block- Basopatti, District- Madhubani.
4. Kumari Rani W/o Sri Gauri Shankar Chaudhary R/o Village- Gaushnagar, Ward No.- 7, Nagwas District- Madhubani Presently working as Prakhand Teacher, Middle School, Gaushnagar, Block- Basopatti, District- Madhubani.
5. Rajesh Kumar S/o Sri Ram Avtar Yadav R/o Ward no.- 11, Novtol Ghorbanki, District- Madhubani Presently working as Prakhand Teacher, Elevated Middle School Navtol Ghorbanki, Block- Basopatti, District- Madhubani.
6. Rajni Kumari W/o Sri Shyam Thakur R/o Village- Mehtarpatti, Birpur, District- Madhubani Presently working as Prakhand Teacher, Middle School Mehtarpatti, Block- Basopatti, District- Madhubani.
7. Chandra Shekhar Chaudhary S/o Sri Radhe Shyam Chaudhary R/o Village- Bhaiyapatti Ward no.- 12, District- Madhubani Presently working as Prakhand Teacher, Middle School Bhaiyapatti, Block- Basopatti, District- Madhubani.
8. Ramnath Sharma S/o Sri Haridev Sharma R/o Village- Ghorbanki, P.S.- Basopatti, District- Madhubani Presently working as Prakhand Teacher, Middle School, Mehtarpatti, Block- Basopatti, District- Madhubani.
9. Satish Chandra Prasad S/o Sri Chandeshwar Safi R/o Village- Birpur Ward No.- 11 District- Madhubani Presently working as Prakhand Teacher, Middle School Mehtarpatti, Block- Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Education Department, Bihar, Patna.
4. The District Education Officer, Madhubani.
5. The District Program Officer, Establishment, Madhubani.
6. The Block Development Officer cum Secretary Panchayat Samiti Basopatti, Madhubani.



7. The Block Education Officer, Basopatti, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj, Adv.
For the Respondent/s : Mr. Subash Chandra Mishra (Sc16)

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 11-12-2024 It is not in dispute that the petitioners were initially appointed as Shiksha Mitra by Panchayat Niyojan Ekai. Subsequently, in view of Bihar Panchayat Primary Teacher (Employment and Service Condition) Rules, 2012. The petitioners were promoted to the Graduate Grade Teachers in higher scale of pay by virtue of an order dated 11th August, 2016. Subsequently, the said order was cancelled vide order dated 14.12.2019 (Annexure-1), by the District Programme Officer (Establishment), Madhubani, on the ground that no order for promotion was raised by the concerned Authority from the higher Authority, so the Block Development Officer had no right to issue order of promotion to the eligible Teachers in Graduation Grade.

2. Learned Advocate on behalf of the State/respondents draws my attention to paragraph-11 of the counter affidavit, wherein it is stated on behalf of the respondents that the issue relating to promotion of Shiksha Mitra in Graduate Grade Teacher is under consideration of a



High Level Committee since 2017 and till the disposal of the said issue no effective order can be passed in the instant writ petition.

3. Having heard the learned counsels, this Court is of the view that the Court cannot shut its eyes even after noticing that an issue regarding promotion of Basic Grade Teacher in Graduate Grade Teachers is not disposed of for last 7 years. It is not disputed that all petitioners have obtained their Graduate degree. Therefore, as per their seniority and length of service, as stated in Rule 15 (Cha) of the aforesaid 2012 Rules, the respondents Authority will see as to whether the petitioners and other eligible candidates have completed 8 years of satisfactory service in the Basic Grade or not and secondly, whether the petitioner comes within 50% of the vacant posts in Graduate Grade.

4. In order to find out these two aspects, 7 years as an absurd time and this Court has every reason to hold that the concerned Authority is sitting tight over the matter without giving promotion to the eligible candidates.

5. In view of such circumstances, the instant writ petition is disposed of directing the respondent nos. 3, 4 and 5 to treat the instant writ petition as representation filed by the



petitioners and dispose of the same within 60 days from the date of communication of this order.

6. Accordingly, the instant writ petition is disposed of.

7. The petitioners are directed to communicate this order along with a copy of the writ petition with all its Annexures.

(Bibek Chaudhuri, J)

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