

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.604 of 2024

In

Civil Writ Jurisdiction Case No.15610 of 2018

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1. Muneendra Jha son of Shri Yogendra Jha, Resident of Mohalla - North to Lakhisarai Block Office, Purani Bazar, Police Station - Lakhisarai, District - Lakhisarai. At present posted and working as Headmaster in the Govt. Upgraded Middle School Kishanpur (Rampur), Anchal - Suryagarha, District - Lakhisarai.
 2. Kumar Brajesh son of Late Keshav Prasad, resident of village - Garhibishan Pur, Post Office and Police Station - Kiul, District - Lakhisarai. At present posted and working as Headmaster in the Govt. Upgraded Middle School Vrindawan, Anchal - Lakhisarai, District - Lakhisarai.
 3. Sanjay Kumar son of Late Foudi Saw resident of village - Main Road, South to Block, Purani Bazar, Ward No. 5, Police Station - Lakhisarai, District - Lakhisarai. At present posted and working as Headmaster in the Govt. Upgraded Middle School Kiul Khagaur, Anchal - Lakhisarai, District - Lakhisarai.
 4. Pramod Kumar son of Late Suresh Singh, resident of village and Post Office - Rampur, District - Lakhisarai. At present posted and working as Headmaster in the Govt. Upgraded Middle School Damodarpur, Anchal Lakhisarai, District-Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Mr. K.K. Pathak, the Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. Mr. S. Siddharth, the Principal Secretary, Finance Department, Government of Bihar, Patna.
4. Mr. Mithilesh Mishra, the Director, Primary Education, Bihar, Patna.
5. Mr. Subhro Sanyal, the Regional Deputy Director of Education, Munger Division, Munger.
6. Mr. Vimlesh Kumar Chaudhary, the District Education Officer, Lakhisarai.
7. Mr. Sanjay Kumar, the District Programme Officer (Establishment) Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Government Pleader 20

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER



3 09-05-2024 Heard the parties.

2. The present contempt petition has been preferred for compliance of the order dated 12.09.2022 passed in C.W.J.C. No. 15610 of 2018. The order in paragraph-14 read as follows:-

“14. In the circumstances as above, this Court directs the respondents to conduct an exercise after preparing the seniority list as directed by the Full Bench (supra) positively within a period of six months from today. All the districts will conduct an exercise of determination of vacancies for each year up to 2011, i.e., the date when the new Rules came into force and also prepare seniority list for each year as directed by the Full Bench. Thereafter eligibility list for each year shall be prepared based on the number of persons available under the zone of consideration and the promotion shall be accordingly granted. The pay fixation would be done accordingly, this would be applicable even to those teachers who have attained superannuation as held by the Coordinate Bench in the case of Rana Shankar Prasad & Ors. Vrs. State of Bihar & Ors. (C.W.J.C. No. 22608 of 2014) decided on 13.09.2018, and passed orders accordingly. It is made clear that the promotion so granted will result in notional benefits from an earlier year and actual benefits shall be paid after fixation from the date actual promotions have been made. In cases where the



person has attained superannuation actual retiral benefits would be given along with arrears.”

3. A show cause on behalf of the opposite party no. 7 is on record and learned State Counsel has taken this Court to paragraph-5 which read as follows:-

“5. That the answering respondent no 4 keeping a pious regard of the order passed by this Hon'ble Court in CWJC No. 15610 of 2018 has issued letter no. 218 dated 27.02.2023 addressing to all the District Education Officers and the District Programme Officer (Establishment) and also sent a copy to all Regional Deputy Director of Education with regard to compliance of order passed by the Hon'ble High Court in C.W.J.C No. (Raghvendra Sharma & Others vs The state of Bihar & others) annexed as P2 to this writ petition. Thereafter the meeting of District Education Establishment committee meeting was held in the light of letter no. 218 dated 27.02.2023 issued by respondent no. 4 on dated 12.03.2024 and decided to grant said benefit i.e for promotion in graduate trained pay scale (Science/Arts) from the due date of their entitlement ie after completion of eight years of matric trained pay scale and subsequently in the scale of Headmaster from the date of the due date of their entitlement. All Petitioners along with total 132 teacher from the Lakhisarai district granted for promotion vide letter no. 809 dated



12.03.2024 issued by respondent nos. 6 & 7 in graduate trained pay scale (Science/Arts) and in the scale of Headmaster as per Bihar Nationalized Elementary Teacher Promotion, Rule 1993 and Promotion Rule 2011.”

4. This Court is satisfied that the order stands complied.

5. M.J.C. No. 604 of 2024 stands disposed of.

(Rajiv Roy, J)

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