

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7048 of 2020

1. Dinesh Kumar Sah Son of Late Parash Nath Sah, Resident of Village-Gamhariya, P.S.-Jalalpur, District-Saran. At present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Methawaliya, Anchal-Chapra Sadar, District-Saran.
2. Gumani Sah, Son of Late Lachhmi Sah, Resident of Village-Sardar Ganj Bishunpura, Police Station-Mashrak, District-Saran. At present posted and working as an Assistant Teacher in Govt. Middle School Ishuapur, Anchal-Isuapur, District-Saran.
3. Braj Kishore Shaw, Son of Shri Ram Ayodhya Prasad, Resident of Village-Pachrukha, Police Station-Kopa, District-Saran. At present posted and working as an Assistant Teacher in Govt. Middle School Jaintpur, Anchal-Saraiya, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary-cum-the Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The District Education Officer, Saran.
6. The District Programme Officer (Establishment), Saran.
7. The District Education Officer, Muzaffarpur.
8. The District Programme Officer (Establishment), Muzaffarpur.
9. The Block Education Officer, Chapra Sadar, District-Saran.
10. The Block Education Officer, Isuapur, District-Saran.
11. The Block Education Officer, Saraiya, District-Muzaffarpur.
12. The District Accounts Officer, Saran.
13. The District Treasury Officer, Saran.
14. The District Accounts Officer, Muzaffarpur.
15. The District Treasury Officer, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Adv.
For the State	:	Mr. Binita Singh, S.C.-28

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 07-10-2024 Heard learned counsel for the petitioners and learned
counsel for the State.



2. By filing the present writ application, the petitioner has prayed for the following reliefs:

i) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent Authorities concerned to grant senior scale/time bound promotion/A.C.P. to the petitioners after completion of 12 years of service calculating from 01.01.2000 i.e. since when they have been paid their arrears of salary and deemed to be appointed as Assistant Teachers in the metric trained post.

ii) For issuance of an appropriate writ as an alternative prayer for commanding and directing the respondent Authorities concerned to provide the same and similar benefits under Bihar State Litigation Policy 2011, under Ruled 4(c), as per the direction of this Court passed in the case of similarly situated teachers vide order dated 31.03.2011 passed in C.W.J.C. No. 6139/2007 (Ram Ashis Tiwary & Ors Vs. The State of Bihar & Ors).

iii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent Authorities concerned to grant all consequential benefits to the petitioners after



completion of 12 years of service calculating from 01.01.2000 i.e. since when they have been paid their arrears of salary and deemed to be appointed as Assistant Teachers in the matric trained post.

iv) For issuance of any other writ/writs, order/orders, direction/directions for which the petitioner would be entitled in the facts and circumstances of the case.

3. In view of the prayers made on behalf of the petitioners, I deem it proper and in the interest of justice to direct the petitioners to file a detailed representation along with a copy of the order dated 31.03.2011 passed in CWJC No. 6139 of 2007 before the Director, Primary Education, Bihar, Patna (respondent no.4) for redressal of their grievances within a period of four weeks from the date of receipt/production of a copy of this order. The respondent no.4 is well advised to pass a reasoned and speaking order in accordance with law after affording an opportunity of personal hearing or after hearing their counsel. The order must be passed within ten weeks after filing of such representation by the petitioners.

4. It goes without saying that if the petitioners are found entitled for senior scale/time bound promotion/A.C.P, as claimed, they would be entitled to other consequential benefits as well.



5. It is made clear that the Director, Primary Education, Bihar, Patna (respondent no.4) shall be solely responsible for non-compliance of this order within the stipulated period.

6. With the aforesaid direction, the writ application stands disposed of.

(Anjani Kumar Sharan, J)

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