

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12693 of 2015

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Manoj Kumar Son of Late Akhileshwar Prasad Yadav, Resident of MOhalla -
Rajendra Nagar Near D.A.V. School, Police Station - Chitragupta Nagar,
District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Department, Government of Bihar, Patna.
3. The Director, Primary Education, Development of Bihar, Patna.
4. The Regional Deputy Director, Education Munger Division, Munger.
5. The District Magistrate, Khagaria, District - Khagaria.
6. The District Education Officer, Khagaria, District - Khagaria.
7. The District Programme Officer, Establishment, Education Department, Khagaria, District - Khagaria

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Diwakar Yadav, Advocate
For the Respondent/s	:	Mr. Mrignak Kumar, Advocate
		Mr. Rajeev Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

14 13-02-2024 1. Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for the
following reliefs:-

*“(i). For issuance of an appropriate writ / order /
direction to the respondent to implement the office
order issued vide memo no. 1593 dated 22.11.2014
by Regional Deputy Director, Education, Munger
Division, Munger whereby and where under the
petitioner has been promoted to the post of head
mater of Bapu Middle School, Baluahi, Khagaria on
the appeal application of the petitioner.*

(ii) For issuance of an appropriate writ / order /



direction to respondent to make payment of all promotional benefit to the post of Head Master of Bapu Middle School, Baluahi, Khagria with effect from the office order dated 22.11.2014 has been issued by the R.D.D.E., Munger Division, Munger.

(iii) For issuance of an appropriate writ / order / direction to the respondent to grant any other relief or reliefs for which the petitioner found entitled.”

3. The case of the petitioner in brief is that though the petitioner was granted promotion to the post of Headmaster by order contained in memo no.1593 dated 22.11.2014 (Annexure-8) issued under the signature of the Regional Deputy Director of Education, Munger Division, Munger, he was not given consequential benefit of the same nor was the said order implemented. As such the petitioner was forced to file the instant writ application. It is further submitted by learned counsel for the petitioner that during pendency of the instant application, respondent authorities having withdrawn the order dated 22.11.2014, prayer was made to add further prayers in the main writ application, which on being allowed, prayers as stated above were added.

4. Learned counsel for the petitioner submits that by order dated 8.4.2023 the Regional Deputy Director of Education, Munger Division, Munger withdrew the order dated 22.11.2014 giving promotion to the petitioner on the post of Headmaster on ground that the Shobhit Institute of Engineering



and Technology, Meerut was in the list of unrecognized institutions and as such the said order.

5. Learned counsel refers to the contents of the rejoinder to the counter affidavit filed on behalf of the petitioner to submit that the said Engineering Institute in the State of Uttar Pradesh is deemed to be a University and had provisional recognition for the period from 2007-08 to 2013-14 which included the period within which the petitioner had obtained the degree from the said Institute. In view of the same, the order impugned dated 18.4.2023 withdrawing the order of promotion of the petitioner is not sustainable and thus be set aside.

6. Learned counsel for the respondents though has opposed the contention raised by the petitioner, however, has not disputed the fact that the Institute in question namely Shobhit Institute of Engineering and Technology, Meerut situated in Uttar Pradesh had provisional recognition for the aforesaid period.

7. Having heard learned counsel for the parties and taking into consideration the material on record and specially the fact that Shobhit Institute of Technology, Meerut had provisional recognition of the University Grant Commission (UGC) from 2007-08 to 2013-14 and the petitioner had obtained



his degree within the said period, the order impugned contained in memo no.378 dated 18.4.2003 passed by the Regional Deputy Director of Education, Munger Division withdrawing the promotion granted to the petitioner is not sustainable and is hereby set aside. Consequently the order granting promotion to the petitioner as Headmaster as contained in memo no.1593 dated 22.11.2014 issued by the Regional Deputy Director of Education, Meerut Division, Meerut is revived. The petitioner shall be given the consequent benefit including the monetary benefits arising out of the said order of promotion at the earliest within a period of 4 months from the date of receipt/production of a copy of this order.

8. The writ application stands allowed

(Partha Sarthy, J)

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