

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6952 of 2022

1. Snatak Grade Prasikshit Shikshak Singh, Bihar, through its Convener Sri Pintu Kumar Singh Son of Rang Bahadur Singh
2. Pintu Kumar Singh Son of Rang Bahadur Singh Resident of Village-Lahuara, P.S.-Kargahar, District-Rohtas (Bihar) At Present Working as Block Teacher, Middle School AAmgachhi, Block-Jokihat, District-Araria (Bihar).
3. Santosh Kumar Gupta Son of Surendra Prasad Gupta, Resident of Village-Mohanpur, P.S. Mahua, District-Vaishali at Hajipur (Bihar) at Present Working as BlockTeacher, Upgraded Middle School, Fatehpur, Block-Pathedi Belsar, District-Vaishali (Bihar).
4. Abhimanyu Kumar Son of Jawahar Lal Sah Resident of Village/ Mohallah-Paigambarpur, Near Shiv Mandir, P.S. Saraiya, District-Muzaffarpur (Bihar) At Present Working as Block Teacher, Middle School, Mishraulia, Block-Pathedi Delsar, District-Vaishali (Bihar).
5. Rajiv Kumar Roy Son of Premlal Roy Resident of Village/ Mohallah-Ram Khetriya, P.O.-Laxmipur, Kakorba, P.S.-Jamalpur, District-Darbhangha (Bihar) At Present Working as Block Teacher, Middle School, Bahourwa, Block-Maheshi, District-Saharsa (Bihar).
6. Prabhu Sah Son of Gujar Sah Resident of Village/Mohallah-Gopi Dhanwat, P.O.-Giddha, P.s. Saraiya, District-Muzaffarpur (Bihar), At Present Working as Block Teacher, Upgraded Middle School, Ufraul, Block-Pathedi Belsar, District-Vaishali (Bihar).
7. Sandesh Patel Son of Damodar Mahto Resident of Village/Mohallah-Konipar (Govind Gulshan), P.O.-Konipur, P.S. Suryagarha, District-Lakhisarai (Bihar), At Present Working as Block Teacher, Upgraded Middle School, Konipar, Block-Suryagarha, District-Lakhisarai (Bihar).
8. AAsif Ali Son of Abu Ahmad Resident of Village/Mohallah-Bhlahi, P.O.-Bhelahi, P.S.-Maheshi, District-Saharsa (Bihar), At Present Working as Block Teacher, Urdu Middle School, Bhelahi, Block-Maheshi, District-Saharsa (Bihar).
9. Jitendra Mohan Gupta Son of Munnial Prasad Resident of Village/Mohallah-Ankuri, P.S.-Paliganj, District-Patna (Bihar) At Present Working as Block Teacher, Upgraded Middle School, Tal Banshipur, Block-Suryagarha, District-Lakhisarai (Bihar).
10. Rajeev Ranjan Son of Harihar Prasad Sharma Resident of Village/Mohallah-Ajawatpur, P.S.-Bidupur, District-Vaishali (Bihar), At Present Working as Block Teacher, Upgraded Middle School, Bishunpur Chaklala, Block-Hajipur, District-Lakhisarai District- (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director (Primary) Education, Guman Resources Development Department, Government of Bihar, Patna.



3. The District Education Officer, Araria, District-Araria (Bihar).
4. The District Education Officer, Hajipur, District-Vaishali (Bihar).
5. The District Education Officer, Saharsa, District-Saharsa (Bihar).
6. The District Education Officer Lakhisarai, District-Lakhisarai (Bihar).
7. The District Programme Officer, Araria, District-Araria (Bihar).
8. The District Programme Officer, Hajipur, District-Vaishali (Bihar).
9. The District Programme Officer, Saharsa, District-Saharsa (Bihar).
10. The District Programme Officer, Lakhisarai, District-Lakhisarai (Bihar).
11. The Block Education Officer-Cum-Member Secretary, Block Teachers Appointment Committee, Block-Jokihat, District-Araria (Bihar).
12. The Block Education Officer-Cum-Member Secretary, Block Teachers Appointment Committee, Block-Pathedhi Belsar, District-Vaishali (Bihar).
13. The Block Education Officer-Cum-Member Secretary, Block Teachers Appointment Committee, Block-Maheshi, District-Saharsa (Bihar).
14. The Block Education Officer-Cum-Member Secretary, Block Teachers Appointment Committee, Block-Suryagarha, District-Lakhisarai (Bihar).
15. The Block Education Officer-Cum-Member Secretary, Block Teachers Appointment Committee, Block-Hajipur, District-Vaishali (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh
For the Respondent/s : Mr.Prabhakar Jha (Gp27)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 07-03-2024

Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ application has been filed for the
following relief(s) :-

*(i) For a direction to the respondents for giving
promotion to the petitioners on the post of Head
Master as per the statutory Rule since due to
inaction of the respondents, the petitioners have*



been deprived of their legitimate promotion which is available in terms of the Bihar Panchayat Elementary Teachers (Employment & Service Condition) Rules, 2020.

(ii) For commanding the respondents to promote the petitioners as Head Master Grade as per statutory Rule with effect from the date of their entitlement i.e. after completion of 5 years of their service as per Rule 5 Clause 3(1) of the Bihar Panchayat Elementary Teachers (Employment & Service Condition) Rules, 2020 with all consequential benefits for which the petitioners are entitled for.

(iii) For any other relief/ reliefs for which the petitioner is entitled for in the facts and circumstances of the case.”

3. Learned counsel for the petitioners submits that as a result of the inaction of the Respondent Authorities, the petitioners and other likewise persons have remained deprived of their legitimate promotion.

4. Considering the grievance as to inaction on the part of the respondents, the present writ application is disposed of with a direction to the respondent-Director (Primary) Education, Human Resources Development Department, Government of Bihar, Patna to pass an appropriate speaking and reasoned order with regard to grant of promotion to all eligible in terms of



Rules framed for application in the matter of promotion.

5. Necessary decision in this regard must be taken by the respondent no.2 within a period of three months from the date of receipt/production of a copy of this order.
6. Needless to say that, if the order is not passed in the stipulated period, the Direction (Primary), Education, Human Resources Development Department, Bihar, Patna shall be personally held responsible for non-compliance of the order of this Court.

(Anjani Kumar Sharan, J)

pallavi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12.03.2024
Transmission Date	N.A.

