

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9954 of 2019

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Sunil Dutt Ram @ Sunil Datt Ram Son of Late Nathuni Ram Resident of
Village- Mandra Dali, P.S.- Pachrukhi, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary Education Department, New Secretariat, Patna.
3. Director Primary Education Education Department, New Secretariat, Patna.
4. The R.D.D.E. Saran Division, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pratap Sharma
For the Respondent/s : Mr.Prabhakar Jha (Gp27)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 29-04-2024

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

2. The present writ application has been filed for issuance of
an appropriate writ/writs, order/orders, direction/directions for
granting the promotion to the petitioner in S.E.S. Cadre
(Primary Wing) from the date of juniors to the petitioner have
been granted promotion in the S.E.S. Cadre (Primary Wing) and
further prayer of the petitioner is for quashing the order dated
30.03.2019 whereby and whereunder without examining the
materials available on the records the respondent director
rejected the claim of the petitioner with regard to promotion in
the S.E.S. Cadre (Primary wing) and for the other necessary



relief/relief on the basis of facts and circumstances of the case.

3. The brief facts of the case is that the petitioner was appointed as Assistant Teacher in Government Basic School in January, 1991 and in the year 2012, 2015 and 2016, the Juniors to the petitioner have been granted promotion in S.E.S. Cadre (Primary Wing). By registered letter dated 09.05.1983, the letter dated 05.05.1983 was sent to the petitioner for taking admission in Graduation Course and thereafter the petitioner took admission in Graduation on 24.05.1983 after completion of the Training Course of the Session 1981-83 (photocopies of the registered letter and admission receipt along with CLC and Marksheet are annexed at Annexures-2, 3, 4 and 5 to the writ application).

4. The respondent Director rejected the claim of the petitioner with regard to promotion in S.E.S. Cadre (Primary Wing) on the ground of session tally without considering the material available on records on the ground that the session is over-lapping. By the order dated 02.04.2019, passed in M.J.C. No.423 of 2017 in M.J.C. No.139 of 2014, liberty has been granted to the petitioner to challenge the decision of the Director, Primary Education. Thereafter, the petitioner has filed the present writ application.



5. A counter-affidavit has been filed on behalf of the State, in which, at paragraph-7, it is stated that the claim of the petitioner for promotion was examined by placing the matter before the Promotion Committee in its meeting dated 25.03.2019, wherein, it was surfaced that the petitioner had obtained two different degrees in overlapping sessions as regular candidate, details of which is as follows:-

Name of the petitioner	Sessions of Teachers Training	Session of Intermediate	Session of Graduation
Sunil Dutt Ram	1981-83	xxx	1982-84

6. Therefore, it is submitted, that the petitioner has not been granted promotion.

7. A reply to the counter-affidavit has been filed on behalf of the petitioner, whereby he has enclosed the U.G.C. Guideline issued in April 2022 with regard to pursuing the Academic Programmes simultaneously. The Teacher’s Training Course of the petitioner was completed in April, 1983 of session 1981-83 and thereafter admit card was issued for conducting the examination of Teacher’s Training Course from 15.07.1983 and result was published on 26.04.1984.

8. Considering the arguments of the parties and on perusal of the materials available on record, it is clear that there is no



overlapping of the session with regard to the petitioner’s Teacher’s Training Course and Graduation and in the aforesaid background, the concerned respondent Authority is directed to consider the case of the petitioner for promotion in S.E.S. Cadre (Primary Wing).

9. The memo no.369 dated 30.03.2019 as contained in Annexure-6 to the writ application is hereby quashed and the State is directed to consider the promotion of the petitioner.

10. This writ application is accordingly allowed.

(Anjani Kumar Sharan, J)

pallavi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.04.2024
Transmission Date	N.A.

