

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12741 of 2016

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Ayaz Ahmad S/o Md. Mansoor Alam Ansari, Resident of Mohalla-Sakunatkalan, P.O.P.S.- Biharshariff, Dist.- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Patna.
5. The District Education Officer, Nalanda Biharsharif.
6. The District Programme Officer Establishment, Nalanda, Biharsharif
7. The Member of District Teachers Promotion Committee Senior Deputy Collector, Nalanda Biharsarif

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rama Kant Singh
For the Respondent/s	:	Mr.Kaushal Kr. Jha- AAG 6
		Mr. Sanjeet Kumar Singh, AC to AAG 6

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 12-08-2024 1. The petitioner has filed the present writ application for a direction to the authorities to dispose his application, dated 14.12.2012, which has been submitted by the petitioner after his promotion to the Graduate trained scale (Science). The petitioner has also prayed for consideration of his case for promotion on the post of Headmaster.
2. The petitioner was appointed as Assistant Teacher in Elementary School, at Nalanda, on 01.09.1984. He was granted matric trained scale with effect from 01.10.2003.



On the basis of the seniority list of eligible teachers for grant of promotion, the petitioner was promoted vide Office Order, dated 29.11.2012 in the Graduate trained scale with the posting of the petitioner in the Middle School, Dariyapur, Biharsharif. Prior to the order of promotion, the petitioner was posted at Girls middle School, Mahalpar.

3. Learned Counsel for the petitioner submits that pursuant to his promotion order, the petitioner submitted an application, dated 13.12.2012 (Annexure 6) before the District Education Officer, Nalanda, stating therein that on the ground of health, religion and safety, he was not willing to join on the promotional post in the new school, as such, he may be posted in any school in the nearby. It has further been stated by the petitioner in the said application that till the posting of the petitioner is done in a nearby school, he would not accept promotion and will continue in the previous school.
4. Learned Counsel for the State argued that on 28.01.2013 (Annexure R/B), the petitioner along with others again submitted an application before the District Programme Officer (Establishment), Nalanda, stating that they would



not accept the promotion and posting in new school and would continue in their previous school, as such, they may not be relieved from their previous school. The District Programme Officer (Establishment), Nalanda, vide letter no. 542, dated 28.01.2013, issued order to all Block Education Officers of the Nalanda district, directing therein that if any teacher does not accept promotion and further request for continuing on his/her previous school, in that case, their application may be accepted and he/she be allowed to continue on the previous post. Accordingly, the application of the petitioner, dated 13.12.2012, was accepted and he was not relieved by the authority from the previous school and was allowed to continue in the previous school and was getting salary.

5. Having heard learned Counsel for the parties and taking into consideration the fact that the petitioner voluntarily forgo his promotion in the graduate trained scale and was allowed to continue in the previous school as per his request, therefore, he was not considered for further promotion as Headmaster. The petitioner himself refused to accept his promotion at the relevant time.



6. The application of the petitioner requesting therein for posting in the nearby school, being pending, the petitioner and other similarly situated teachers filed further application, dated 28.01.2013, specifically stating therein that they would not accept the promotion and posting in any new school and would continue in their previous school, stands disposed when the authority in response to the application, dated 28.01.2013 of the petitioner, issued direction to all Block Education Officers of the Nalanda district, to allow such teachers to continue in their previous school.
7. In view of the above, I find this writ application devoid of any merit and is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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