

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8999 of 2016

Smt. Sita Devi W/o late Shivje Singh Resident of Vill- Bisunpur, PO Bidupur Bazar, PS Bidupur Distt Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The DirectorPrimary Education Education Department Govt of Bihar, Patna.
3. The District Magistrate, Vaishali
4. The District Programme Officer Establishment Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : NONE
For the Respondent/s : Mr. Kumar Manglam, AC to SC-24

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 25-04-2024

1. No one appears on behalf of the petitioner.

2. The present writ application has been filed for grant of financial upgradation under 2nd Time Bound Promotion after completion of 24 years of satisfactory service by the petitioner's husband as per the Bihar Taken Over Elementary School Teachers Promotion Rule, 1993.

3. Further prayer is for grant of arrears of difference of the salary with all consequential benefits to the petitioner after grant of promotion from the date her husband completed his service successfully for 24 years as per the Promotion Rule,



1993.

4. The petitioner's husband was appointed on the post of Assistant Teacher in the Middle School in the year 1965. After completion of tenure of service as per the Promotion Rule, 1993, the petitioner's husband was not granted Grade-3 scale under 2nd Time Bound Promotion after completion of 24 years of satisfactory service.

5. The petitioner's husband worked for about 38 years and died on 01.06.2013.

6. The petitioner's husband fulfilled all the criteria of promotional benefits, but the same was not given to him after three years of his death.

7. The present writ application has been filed for grant of Grade-3 under 2nd Time Bound Promotion (financial upgradation).

8. Learned counsel for the State submits that the Bihar Taken Over Elementary School Teachers Promotion Rule, 2011, came into existence on 01.09.2011 vide departmental notification no. 940, dated 01.09.2011. According to the Rule, those teachers, whose promotion of Matric Qualified Trained (Prawaran) Scale (Grade-3) was due before the existence of the Rule, 2011, will be granted promotion as per the Bihar Taken



Over Elementary School Teachers Promotion Rule, 1993.

9. The Director, Primary Education, vide his letter no. 1472, dated 27.09.2013, addressed to the District Education Officer, Bhojpur, has stated that for promotion in Grade-3, a graduate qualified trained teacher will have to complete 12 years in Grade-2 and a matric qualified trained teacher will have to complete 18 years in Grade-2 w.e.f. 01.01.1986 as per the Promotion Rule, 1993.

10. It has further been submitted that the husband of the petitioner was a matric qualified trained teacher and retired from service on 31.01.2003, before completing 18 years of his service in Grade-2 from 01.01.1986 i.e. the date, when Promotion Rule, 1993, came into force. The period of 18 years, in case of the petitioner's husband, w.e.f. 01.01.1986, comes in the year 2004. Accordingly, the petitioner's husband is not entitled for grant of promotion in the Grade-3.

11. Having heard learned counsel for the respondents and taking into consideration the fact that 18 years of service was not completed by the petitioner's husband prior to his retirement as such he is not entitled for 2nd Time Bound Promotion (financial upgradation) in Grade-3.

12. In the result, the present writ application, being



devoid of any merit, is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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