

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.913 of 2020

1. Vinay Kumar Singh, Son of Late Sahdeo Yadav, Resident of Mohalla-Ward No. 6 Khaira, Jhari, Police Station-Amas, District-Gaya. At present posted and working as a Trained Graduate Teacher in Govt. Middle School Nagawangarh, Block-Gurua, District-Gaya.
2. Md. Eqbal, Son of Md. Shawket Ali, Resident of Village-Garh, Police Station-Sherghati, District-Gaya. At present posted and working as a Trained Graduate Teacher in Govt. Middle School Chaitab Khurd, Block-Amas, District-Gaya.
3. Md. Ejaz Khan, Son of Late Md. Jalil Khan, Resident of Mohalla-Rahman Nagar, Lohar Toli, Police Station-Sherghati, District-Gaya. At present posted and working as a Trained Graduate Teacher in Govt. Urdu Middle School Gamhariya, Block-Gurua, District-Gaya.
4. Murari Das, Son of Shri Chhedi Das, Resident of Village-Balkhora, Police Station-Amas, District-Gaya. At present posted and working as a Graduate Trained Teacher in Govt. Middle School Baliyari, Block-Amas, District-Gaya.
5. Niranjana Kumar Nirala, Son of Bindeshwar Choudhary, Resident of Village-Ram Nagar, Police Station-Hazaribagh Sadar, District-Gaya. At present posted and working as a Trained Graduate Teacher in Govt. Middle School Barheta, Block-Bankey Bazar, District-Gaya.
6. Kashinath Thakur, Son of Gulab Thakur, Resident of Village-Dumrawan, Police Station-Bankey Bazar, District-Gaya. At present posted and working as a Trained Graduate Teacher in Govt. Middle School Tilaiya, Block-Bankey Bazar, District-Gaya.
7. Ramswaroop Singh, Son of Kapildeo Singh, Resident of Village-Jondhi, Police Station-Bankey Bazar, District-Gaya. At present posted and working as a Trained Graduate Teacher in Govt. Urdu Middle School Manjarikhurd, Block-Bankey Bazar, District-Gaya.
8. Indradeo Ravidas, Son of Shri Jethan Ravidas, Resident of Village-Pachrukhiya (Baital), Police Station-Raushanganj, District-Gaya. At present posted and working as a Trained Graduate Teacher in Govt. Upgraded Middle School Lemboiya, Block-Bankey Bazar, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Additional Chief Secretary-cum-the Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Special Secretary, Education Department, Govt. of Bihar, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The Director (Administration)-cum-Additional Secretary, Education Department, Govt. of Bihar, Patna.
6. The Regional Deputy Director of Education, Magadh Division, Gaya.
7. The District Education Officer-cum-the Chairman, District Elementary



Teachers Promotion and Transfer Committee, Gaya.

8. The District Education Officer, Gaya.
9. The District Programme Officer (Establishment)-cum-the Member Secretary, District Elementary Teachers Promotion and Transfer Committee, Gaya.
10. The District Programme Officer (Establishment), Gaya.
11. The Block Education Officer, Gurua, Gaya.
12. The Block Education Officer, Amas, Gaya.
13. The Block Education Officer, Bankey Bazar, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Adv.
For the Respondent/s : Mr.Binita Singh, S.C.-28

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 08-07-2024

Heard learned counsel for the petitioners and learned counsel appearing for the respondents.

2. The grievance of the petitioners in the present case is non-consideration of their case for promotion in the scale of Headmaster.

3. Learned counsel for the petitioners submits that the persons who are juniors to the petitioners were granted promotion, but the matter of the petitioners has not been considered.

4. A counter-affidavit has been filed by the State stating therein that the tentative gradation list providing one time relaxation up till 31.12.2017 to accord promotion has been prepared, in which name of the petitioners stands included at different positions.



5. Having heard learned counsels for the parties, this writ application is disposed of with a direction to the petitioners to file a representation before the District Education Officer, Gaya (respondent no.8) and the District Programme Officer (Establishment) Gaya (respondent no.10) along with other documents in support of their claim within a period of two weeks from the date of receipt/production of a copy of this order. The respondent nos. 8 & 10 are well-advised to examine the claim of the petitioners and dispose of the representation of the petitioners by a reasoned and speaking order in accordance with law within six weeks from the date of receipt of any such representation filed by the petitioners after affording opportunity of personal hearing or through their counsel.

6. It is made clear that if it is found that the petitioners are eligible for consideration and grant of promotion as Headmaster, the respondent nos. 8 & 10 shall grant promotion to the petitioners from the date any person junior to the petitioners have been granted promotion as Headmaster. The respondents are under obligation to grant all consequential benefits which were extended to the juniors of the petitioners on promotion as Headmaster.

7. It is made clear that the respondent nos. 8 & 10 shall



be personally responsible for non-compliance of this order within the stipulated period.

8. With the aforesaid observation and direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.07.2024
Transmission Date	NA

