

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4758 of 2025

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Satyendra Prasad @ Satyendra Kumar son of Deenanath Prasad resident of Ganga Piper, Ward no. 10, Raghapur, P. S. Raghapur, District- East Champaran- 845418.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director (Primary Education), Bihar, Patna.
3. The Deputy Director (Primary Education), Bihar, Patna.
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur
5. The District Magistrate, East Champaran.
6. The District Education Officer, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lal Mani Sharma, Advocate
For the Respondent/s : Mr. Ajay Behari Sinha, GA-8

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-03-2025 Heard Mr. Lal Mani Sharma, learned counsel

appearing on behalf of the petitioner and Mr. Ajay Behari Sinha,

learned GA-8 for the respondent/s.

2. The petitioner in paragraph no. 1 of the present writ

petition has sought *inter alia* following relief(s), which is

reproduced hereinafter:

"(i) For issuance an appropriate writ for quashing of the order contained in Memo no. 277 dated 21-2-2025 (Anx.- P/4) passed by and issued under the signature of the Additional Chief Secretary Education Department, Government of Bihar, Patna, the respondent no. 1 by which all the District Magistrates of Bihar have been asked to post /Depute with the financial powers the officers of Supervisor Grade level posted in the concerned Block in which the post of Block Education Officer



is vacant in addition to their own duty.

(ii) For issuance of an appropriate writ directing and commanding the respondents to consider the case of the petitioner and to promote the petitioner immediately w.e.f. the due date to the Sub Ordinate Education Service (herein-after to be referred as "S. E. S.") cadre from the Lower Sub-Ordinate Education Service (hereinafter to be referred as "L. S. S.") cadre.

(iii) For issuance of an appropriate writ directing and commanding the respondents to give the petitioner all consequential benefits after granting promotion to the petitioner to the S. E. S. cadre w.e.f. the due date.

(iv) For issuance of an appropriate writ order or direction restraining the respondents from making any posting of other officers or employees belonging to other cadre and Department, by way of deputation etc. on the post of the Block Education Officer belonging to S. E. S. cadre.

(v) For any other relief/reliefs of which the petitioner is legally entitled to."

3. Learned counsel appearing on behalf of the petitioner submitted that vide Memo No. 1071 dated 12.12.2023, final seniority list of the Lower Sub-ordinate Education Service (hereinafter referred to as the 'L.S.S.') has been issued under the signature of the Director, Primary Education, in which, the petitioner has been placed at Serial No. 33 and in this regard he has made specific statements in paragraphs no. 15 and 16 of the writ petition. The petitioner in the aforesaid background, has relied on the order dated 30.07.2009 passed in L.P.A. No. 460 of 2007 and other analogous cases, wherein, the Division Bench has made following observation:



"8. On a careful reading of Annexure-2 it is found that the decision contained therein provides for reserving 50 per cent of posts for promotion from LSS and not 50 per cent of the vacancies. The figures of promotions and direct recruitment given by the State in the past as mentioned in supplementary counter affidavit referred above, disclose that quota rule has not been followed strictly in the past and hence, the present stand of the State in paragraph 16 of the supplementary counter affidavit that now again the vacancies are sufficient to take care of promotion to the post of LSS against 50 per cent of the posts in SES appears to be quite a just and proper stand.

9. Considering the entire facts and circumstances of the case, we are of the view that the order of the Writ Court requires no interference. The Letters Patent Appeals are accordingly dismissed. It is expected, however, that the State shall expedite the process of promotion of members of LSS against available vacancies for them in SES and complete the process in accordance with law as early as possible, preferably within six months. There shall be no order as to costs."

4. The petitioner seeks that the present writ petition be disposed of in similar manner.

5. *Per contra*, learned counsel appearing on behalf of the respondent/s submits that by way of interim arrangement, so that, day to day administration of the State may not hamper. He further informs that the petitioner is only entitled for being considered for promotion and the process has already taken place and there is no merit in the present writ petition.

6. Heard the parties.

7. Having considered the rival submissions made on behalf of the parties, this Court, in light of the observation made



by a Division Bench of this Court in LPA No. 460 of 2007, can only expect from the State to expedite the process of promotion of members of L.S.S. against the available vacancies for them in Sub-ordinate Education Service (hereinafter referred to as "S.E.S.") and complete the process as early as possible.

8. The executives have experience to run the government and this Court cannot interfere in any manner.

9. Accordingly, the present writ petition stands dismissed.

(Purnendu Singh, J)

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