

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4341 of 2019

In
Civil Writ Jurisdiction Case No.16569 of 2019

Jay Kishore Prasad Sinha, Son of Late Bishwanath Prasad Sinha, Resident of
Village - Mirzapur, P.O.- Srisia, P.S. Kanti, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Sri R.K. Mahajan Principal Secretary, Education Department Government of Bihar, Patna.
2. Sri Ranjeet Kumar Singh, Director Primary Education Government of Bihar, Patna.
3. Dr. Sangeeta Sinha, Regional Deputy Director Education, Muzaffarpur.
4. Dr. Vimal Kumar District Education Officer, Muzaffarpur.
5. Abdus Salam Ansari District Programme Officer (Establishment), Muzaffarpur.
6. Rabindra Nath Chaubey, Block Education Officer Anchal Kanti, District Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Madhaw Prasad Yadaw (Gp 23)

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

3 22-04-2025 This contempt application has been filed alleging violation of the order dated 19.08.2019 passed in CWJC No. 16569 of 2019 wherein this Court had passed the following order:

“...Considering the aforesaid, the writ application is disposed of with a direction to the District Programme Officer (Establishment), Muzaffarpur to take appropriate decision with regard to payment of salary to the petitioner on the promotional post w.e.f. 05.08.2017 at the earliest preferably within a period of 60 days from the date of receipt/production of a copy of this order...”

2. Opposite party No. 5 has filed a show-cause wherein, in paragraph No. 3 thereof it has been stated as under:

“...3. That in terms of the order dated 19.08.2019 passed by this Hon’ble Court in CWJC No. 16569 of 2019 this opposite party examined the entire matter of the petitioner and found that the promotion to the petitioner on the post of Headmaster in the Upgraded Middle School, Shahbajpur, Kanti granted by office order bearing memo No. 3806 dated 14.08.2017 is illegal and against the promotion rule, 2011 and 2013 because the certificate of petitioner by State Board of Technical Education, Bihar and granted by Institute of Administrative Studies, Prof. T. N. Chaudhary Marg (Near Chamber of Commerce) Saraiyaganj, Muzaffarpur is a technical degree and it is not a valid under the promotion rule 2011 and Amendment Rule 2013. Also the aforesaid degree of Post Graduate Diploma is not a complete Post Graduate degree and it is not granted by a recognized University under UGC and the said certificate is granted by a self governed institute. This why this deponent has canceled the promotion of the petitioner made on the post of Headmaster vide office order bearing Memo No. 4050 dated 04.10.2019 and posted at Upgraded Middle School, Kohua Paigamberpur Hindi, Kanti in Graduate Trained Pay Scale and the approval will be taken in next meeting of D.P.C i.e., Establishment Committee. Hence the petitioner is not entitled to get salary of Headmaster w.e.f. 05.03.2017...”

3. On perusal of paragraph No. 3 of the show-cause filed by the opposite party No-5, I find that the respondents have examined the claim of the petitioner for payment of salary on the promotional post of Headmaster and have taken a decision that the petitioner is not entitled to, as the petitioner's promotion to the post of Headmaster has been found to be illegal and not in accordance with the rules.

4. In that view of the matter, I find that the order dated 19.08.2019 passed in CWJC No. 16569 of 2019 has been complied with by the respondents.

5. Accordingly, this contempt application stands closed and disposed off with a liberty granted to the petitioner to challenge the decision of the respondents, denying the petitioner's salary on the promotional post of Headmaster, if so advised.

(Nani Tagia, J)

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