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C.P.7  
4/10/12

IN THE HIGH COURT OF JUDICATURE AT PATNA  
(CIVIL WRIT JURISDICTION CASE)

C.W.J.C. No.-----of 2012.

Smt. Uma Bharti-----Petitioner.

-Versus-

The State of Bihar & others. -----Respondents.

SUB:- Promotion (School Services)

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IN THE HIGH COURT OF JUDICATURE AT PATNA

(CIVIL WRIT JURISDICTION CASE)

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Smt. Uma Bharti -----Petitioner.

-Versus-

The State of Bihar & others. -----Respondents.

**Synopsis**

This writ petition is being preferred for consideration and promotion in the trained graduate scale taking into consideration the eligibility, suitability and seniority in the feeder scales as well as the subsequent prayer of the petitioner for the grant of equal treatment and benefits which has already been granted to the juniors to the petitioner however, she was subjected to discriminate by withholding the claim of promotion against the respective post and for the other necessary relief.

**List of dates.**

----- Petitioner had passed the matriculation examination as  
back as in the year ----- from the Bihar School  
Examination Board, Patna.

1981 Petitioner did the training course in the year 1981.

1982 She improved the qualification of Intermediate.

1985 She also acquired the qualification of Graduation.

1986 The petitioner was duly considered and appointed as  
Assistant Teacher.

15.10.1986 The District Programme Officer, Establishment,  
Madhepura had issued the memo no. 2011  
--- and promote the large number of persons in the  
Trained Graduate Scale and provide the benefits  
attached to the post.

20.07.2012. The petitioner has preferred the representation to the  
District Programme Officer, Madhepura Establishment.

24.07.2012 She has also submitted the representation to the  
District Education Officer.

14.08.2012. She has also submitted the representation to the  
Regional Deputy Director, Saharsa for consideration  
and promotion of trained graduate scale

Hence, this writ application.

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IN THE HIGH COURT OF JUDICATURE AT PATNA

(CIVIL WRIT JURISDICTION CASE)

C.W.J.C. No.-----of 2012.

In the matter of an application  
under Article 226 of the  
Constitution of India.

And

In the matter of

Smt. Uma Bharti, W/o Sri Ramchandra Prasad Mandal, resident of  
village & P.O. Shahugarh, P.S. Madhepura at present working as an  
Assistant Teacher, Primary School Shikshak Sangh Bhawan, Madhepura

-----Petitioner.

-Versus-

- 1) The State of Bihar.
- 2) The District Education Officer, Madhepura.
- 3) The District Programme Officer, Establishment, Madhepura.

-----Respondents.

To

The Hon'ble Ms. Justice Rekha M. Doshit, The Chief Justice of the High Court of Judicature at Patna and Her Companion Justices of the said Hon'ble Court.

The humble petition on behalf of the petitioner named above.

**Most Respectfully Sheweth:**

- 1) That the present writ petition is being preferred for issuance of an appropriate writ in the nature of Mandamus for consideration and promotion in the trained graduate scale taking into consideration the eligibility, suitability and seniority in the feeder scales as well as the subsequent prayer of the petitioner for the grant of equal treatment and benefits which has already been granted to the juniors to the petitioner however, she was subjected to discriminate by withholding the claim of promotion against the respective post and for the other necessary relief/ reliefs on the basis of the facts and circumstances of this case as stated and enumerated hereinafter.
- 2) That the substantial questions of law formulated in this writ petition are as follows:-

- I) Whether the authorities have failed to appreciate that the petitioners are entitled for consideration and promotion in the trained graduate scale taking into consideration the eligibility, suitability and seniority in the cadres as well as taking note of facts for consideration and promotion or timely consideration is the fundamental right of the concerned employees?
- II) Whether the authorities have failed to appreciate that the petitioners were appointed much earlier after completing the process as required under the law and they consumed the longer periods of service however, they were not considered for promotion in the trained graduate scale unreasonably and arbitrarily?
- III) Whether the concerned authorities have failed to appreciate that the juniors to the petitioners who were appointed and subsequently they were considered and promoted / granted the B.A. Trained scale on 16.07.2012 in pursuance of the direction given by the Hon'ble High Court while disposing the case of Ram

Nath Pd. Singh versus the State of Bihar and others decided by the Full Bench reported in 2009(3) PLJR-384?

- IV) Whether the respondent authorities have failed to appreciate that in terms of the law is settled that the main criteria for promotion on the seniority is the length of service however, in the case in hands the several persons who are juniors from all the corners including the length of service or entry in job were considered and promoted in the trained graduate scale when they are denied unreasonably and as such the action of the authorities are attracts the right under Articles 14 & 16 to the Constitution of India which deals the right of equity before the law?
- V) Whether the authorities have failed to appreciate that the petitioners had persuaded the concerned authorities by virtue of discrimination and raised the voice before them then the concerned authority had



left the issue abundant and compel them to work under the juniors?

VI) Whether the authorities had failed to appreciate the basic principle of law that the persons appointed earlier are entitled for consideration and promotion earlier and in any view of the matter the juniors cannot surpass the seniority of these petitioners and sit over their heads without any reasonable and valid grounds?

VII) Whether the authorities are required under the law to consider these candidatures for promotion besides removal the defects , if any, and provides the promotion in the trained graduate scale from the due date when their juniors were granted the promotion as well as consequential benefits also in the same terms and conditions?

VIII) Whether the actions of the concerned authorities are malafide, arbitrary, without jurisdiction as well as abuse of power and the authority due to the wrong and ulterior motives?

IX) Whether the actions of the respondent-authorities are otherwise bad in law and facts?

3) That the petitioner is a citizen of India and she is residing within the territorial jurisdiction of the Hon'ble High Court.

4) That it is stated and humbly submitted that the petitioner had passed the matriculation examination as back as in the year ~~1981~~ from the Bihar School Examination Board, Patna. She improved the qualification of Intermediate in the year 1982 as a private candidate and consequently acquired the qualification of Graduation in the year 1985. It is further submitted that she did the training course in the year 1981 and subsequently she was allowed to appear in the examination of teachers training conducted by Bihar School Examination Board, Patna and she was declared successful in the said examination. It is an appropriate that in such of the way the petitioner acquired the qualification of B.A. trained and she became eligible to be considered for the purpose of promotion in trained graduate scale.

Photocopies of testimonials of are being enclosed herewith and

marked as Annexure-1 series to  
this writ petition.

- 5) That it is stated that the petitioner was duly considered for the purpose of appointment by the respondent authority as back as in the year 1986. It is further submitted that on or after completing the process required under the law she was appointed by the concerned authority and issued the formal letter of appointment in terms of the decision of the establishment committee. It is further submitted that she joined on that post on ~~2.01.1987~~ and since then rendering the service to the satisfaction of the authority concerned till date.
- 6) That it is stated and humbly submitted that the work and performance was duly considered by the people at mass as well as higher authority. It is further submitted that by virtue of the better performance she leads the clean service records as well as no complain were made out at any point of time.
- 7) That it is stated and humbly submitted that the District Programme Officer, Establishment, Madhepura had issued the memo no. 2011 dated 25.10.1986 and promote the large number of persons in the Trained Graduate Scale and

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provide the benefits attached to the post without considering the eligibility, suitability and seniority of these petitioners and as such the action of the concerned authorities attracts the requirement of natural justice as well as the right of equity granted under Articles 14 & 16 to the Constitution of India.

A photocopy of memo no. 2011  
dated 25.10.1986 is being  
enclosed herewith and marked as  
Annexure-2 to this writ petition.

8) That it is stated and humbly submitted that it was shocked and surprised that although the petitioners were under the zone of consideration on the ground of seniority and length of service however, the authorities has acted in the arbitrary manner and committed the serious error of record while giving the promotion to the juniors by ignoring their claims for promotion although they are senior to promotees from all the corners including the length of service.

9) That it is stated and humbly submitted that the law is quite clear for the purpose of promotion on the length of service is

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acceptable criteria in the Service Jurisprudence however, the authority concerned has committed the serious error of record and on the facts and law while giving the promotion to the juniors and ignoring the seniority of these petitioners which attracts their rights conferred as the right of equity before the law.

10) That it is stated and humbly submitted that in view of the law is well settled as well as the command of constitution it is crystal clear that the right of equity is the theme of the constitution and no one including the State Govt. has a jurisdiction to ignore / surpass the equity amongst the equal. It is submitted that after consideration of the claim in its totality it appears that the entire exercise is based on the discrimination and as such the concerned authority required under the law for a necessary direction for removal of discrimination amongst the equal and to maintain the equity before the law.

11) That it is stated and humbly submitted that being dissatisfied from the action of the concerned authority the petitioner has preferred the representation to the District Programme Officer, Madhepura Establishment on 20.07.2012, the District Education Officer on 24.07.2012 and Regional Deputy Director, Saharsa on

14.08.2012 for consideration and final adjudication of the claim for the grant of promotion of trained graduate scale but the issue remains pending before the concerned authority.

Photocopies of representations dated 20.07.2012, 24.07.2012 & 14.08.2012 are respectively being enclosed herewith and marked as Annexure-3 series to this writ petition.

12) That it is stated and humbly submitted that all these petitioners either they improved their qualification before the date of appointment or after taking the necessary permission by the authority of the department. It is relevant to state that once the permission is granted by the competent authority who improved the qualification the successor in the office cannot be put the figures towards the improvement of the qualification when the said qualification improved privately and in the other words as the private candidates. There is no law in land which prohibits the teachers from improving their academic qualifications.

- 13) That it is stated that although Mr. Bhogendra Sharma, Rajesh Kumar, Krishna Paswan, Sanjay Kumar , Chaturanan Singh, Navin Kumar Verma, Badri Narayan Yadav are juniors to the petitioners and they were considered and promoted in the trained graduate scale in the said background the concerned authorities are required under the law to consider and grant the promotion of these petitioners for which they are entitled in accordance with law from the actual date when their juniors were granted the promotion and to extend the benefits under the same and similar terms.
- 14) That the points which are emerges for consideration before the Hon'ble High Court is that whether the authorities have justified to maintain the discrimination amongst the equal while granting the promotion in the trained graduate scale or not when particularly the length of service was completely ignored and the only complete answer of the question is negative and the law did not permits the authorities to violates the right of equity before the law rather they are morally and legally bound to maintain the equity amongst the equals.
- 15) That it is stated and humbly submitted that in view of the reason as well explained and the close analysis of the case it is just

and proper that the concerned authority may be directed to remove the defects and grant the due promotion to the petitioners in the trained graduate scale from the date their juniors were promoted and to extend the benefits attached to the post with the wishes that the seniority of the feeder scale may be maintained.

16) That it is stated and humbly submitted that in view of the reason as well explained and the close analysis of the case it is just and proper that the writ petition may be allowed and the relief as sought for under paragraph no. 1 to the writ petition may be granted in favour of the petitioner for which they are entitled in accordance with law.

17) That the writ petitioner has no other efficacious and / or alternative remedy except to move this Hon'ble Court in writ jurisdiction which would be more adequate and proper.

18) That the writ petitioner has not moved this Hon'ble Court, earlier, for the grant of relief as mentioned in paragraph No.1 to this writ petition.

It is accordingly prayed that Your Lordships may graciously be pleased to admit this application issue



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RULE NISI calling upon the respondents to show cause as to why the reliefs prayed for in paragraph No. 1 be not granted and after return of the Rule and hearing the parties be further graciously pleased to make the RULE ABSOLUTE.

AND/OR

Pass such other order or orders as Your Lordship deem fit and proper.

And for this the petitioner shall ever pray.

AFFIDAVIT

I, Smt Uma Bharti, aged about 53 years, W/o Sri Ramchandra Prasad Mandal, resident of village & P.O. Shahugarh, P.S. Madhepura at present working as an Assistant Teacher, Primary School Sikshak Sangh Bhausa, Madhepura do hereby, solemnly affirm and state as follows:-

- 1) That I am petitioner in the present case and as such, am well acquainted with the facts and circumstances of this case.
- 2) That the contents of the writ petition have been read over and have fully understood the same.
- 3) That the contents of this writ petition mentioned in paragraph nos. 1 to 3, 5, 6, 8 to 10, 12 to 18 are true to my knowledge and those mentioned in paragraph nos. 4, 7, 11 are true to my information derived from the records of this case and rest are by way of submission before this Hon'ble Court.
- 4) That the Annexures are photocopies of their respective originals.

3001/2019

राज्य (Raj)

क्रमांक (No)

पंजीकरण (Registration)

दिनांक (Date)

पृष्ठ संख्या (Page No)

विषय (Subject)	सामान्य (General)		भारतीय (Indian)		तीसरी भाषा (Third Language E. Hn Mi. O. BH)	इतिहास (History)	लॉजिक (Logic)	सामाजिक विज्ञान (Civics)	आर्थिक विज्ञान (Economic)	सामाजिक विज्ञान (Sociology)	शास्त्र (Classics)	सिद्धांत (Theory)	प्रायोगिक (Practical)	उत्कृष्ट (Dome. S.)	संगीत (Music)	गणित (Mathematics)	अन्य विषय (Other Subject)	कुल योग (Aggregate)	वर्गीकरण (Division)	टिप्पणियाँ (Remarks)			
	पूर्णांक (Full Marks)	पासी अंक (Pass Marks)	हिन्दी भाषा-भाषियों के लिए (Hindi Language - For Hindi Speakers)	अन्य भाषा-भाषियों के लिए (Other Language - For Other Language Speakers)																			
हिन्दी भाषा-भाषियों के लिए	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
अन्य भाषा-भाषियों के लिए	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
हिन्दी	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
मैथिली/बनारस	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
उर्दू/अंगरेजी	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
Third Language E. Hn Mi. O. BH.	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
History	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
Logic	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
Civics	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
Economic	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
Sociology	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
Classics	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
Theory	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
Practical	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
Psychology	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
Theory	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
Practical	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
Theory	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
Practical	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
Mathematics	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
Other Subject	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	
Aggregate	100	30	100	30	100	200	200	200	200	200	200	150	50	200	150	50	100	100	200	200	900	II	

30. 4/- (चार रुपये मात्र)

सहायक कनिष्ठ शिक्षक

सहायक कनिष्ठ शिक्षक

विद्यार्थी संदर्भ

न्यूनतम निर्धारित अंक  
In order to Pass the Intermediate Examination in Arts Candidates must obtain to pass marks/ in each of the Subjects offered :-  
Minimum marks for First Division 60% \$40, Second Division 45%, 40% Third Division below 45% 29%.

प्राथमिक श्रेणी  
द्वितीय श्रेणी  
तृतीय श्रेणी  
अनुत्तीर्ण  
Remarks

II

20/11/19

No. 44830

**U. N. MITHILA UNIVERSITY, DARBHANGA**  
(EXAMINATION DEPARTMENT)

The following are the MARKS obtained by **3813801** at the **BACHELOR OF ARTS Pass/Honors** Examination held in the month of **Sept** 1985. Roll No. **3813801** Modhs. No. **3863** Reg. **1281/81**

SUBJECT	Honours in		Total	English	M. I. L. Hindi (Hindi reading)	M. I. L. Hindi Portion	M. I. L. For non Hindi Reading Language Portion/Alt. English	Total	Second Language	Economics	Pol. Science	Mental & Moral Philosophy	History	Sociology	Classical Lang. & Literature	Mathematics	Psychology		Geography		Dom. Sc.		Music		Other Subjects	Aggregate	Division/Class	
	1st Class	2nd Class															Theory	Practical	Theory	Practical	Theory	Practical	Theory	Practical				Theory
For Honors Subject B. A.	360	270	630																									
Arts -	360	270	630																									
1st Class	400	200	600																									
2nd Class	180	90	270																									
Full Marks	400	200	600	200	100	50	50	100	300	300	300	300	300	300	300	300	200	100	200	100	200	100	100	200				
Pass Marks	180	90	270	66	33	15	15	33	100	100	100	100	100	100	100	60	40	60	40	60	40	40	40	60				
Marks obtained by the Candidate				58		15	24	39								94	98			87	39						445	2nd Div

**REMARKS**  
In order to pass the Examination a candidate must obtain pass marks in each of the subjects offered: -  
MINIMUM MARKS (General Course)  
FIRST DIVISION - 60% in the aggregate  
SECOND DIVISION - 45% in the aggregate  
THIRD DIVISION - below 45%  
For Distinction in any subject 66%.  
A candidate passing General Knowledge with or without Distinction will get separate certificate.

Rs. 61.

*[Signature]*

Tutor

Deputy Registrar  
Controller of Examinations  
DARBHANGA

*[Signature]*



राष्ट्रीय शैक्षणिक आयोग  
शैक्षणिक प्रविष्टि निदेश २०११  
में प्राथमिक शिक्षा के लिए

### राष्ट्रीय शैक्षणिक आयोग परीक्षा सफल

क्र.सं.	नाम	वर्ग	शैक्षणिक विषय में प्राप्ति	शैक्षणिक मूल्यांकन में प्राप्ति	व्यक्तिगत मूल्यांकन (आंतरिक)	योग	श्रेणी
29	मनोविज्ञान	1	संबन्धित भारतीय समाज में शिक्षा एवं शिक्षक	95			
29	बाल मनोविज्ञान	2		95			
29	पाठ्यक्रम एवं मूल्यांकन तथा विहार में प्राथमिक शिक्षा की समस्याएँ	3		95			
29	मातृभाषा शिक्षणविधि तथा पाठ्यवस्तु	4		95			
29	गणित शिक्षणविधि तथा पाठ्यवस्तु	5		95			
29	विज्ञान शिक्षणविधि तथा पाठ्यवस्तु	6		95			
29	समाज अध्ययन शिक्षणविधि तथा पाठ्यवस्तु	7		95			
29	द्वितीय भारतीय भाषा संस्कृत/हिन्दी शिक्षणविधि तथा पाठ्यवस्तु	8		95			
29	योग (कालम १ से ८)	9		95			
29	संबन्धित भारतीय समाज में शिक्षा और शिक्षक	10		95			
29	बाल मनोविज्ञान	11		95			
29	पाठ्यक्रम एवं मूल्यांकन तथा विहार में प्राथमिक शिक्षा की समस्याएँ	12		95			
29	मातृभाषा शिक्षणविधि तथा पाठ्यवस्तु	13		95			
29	गणित शिक्षणविधि तथा पाठ्यवस्तु	14		95			
29	विज्ञान शिक्षणविधि तथा पाठ्यवस्तु	15		95			
29	समाज अध्ययन शिक्षणविधि तथा पाठ्यवस्तु	16		95			
29	द्वितीय भारतीय भाषा संस्कृत/हिन्दी शिक्षणविधि तथा पाठ्यवस्तु	17		95			
29	स्तम्भ १० से १७ के अंकों का योग	18		95			
29	मूल उद्योग	19		95			
29	सहायक उद्योग I	20		95			
29	सहायक उद्योग II	21		95			
29	योग (स्तम्भ १९-२१ का)	22		95			
29	आंतरिक शिक्षण विधि तथा पाठ्यवस्तु	23		95			
29	कला संदीप	24		95			
29	अभ्यास पाठ	25		95			
29	स्वाधिनियम सामग्री का निर्माण	26		95			
29	सामुदायिक जीवन	27		95			
29	मूल उद्योग	28		95			
29	सहायक उद्योग I	29		95			
29	सहायक उद्योग II	30		95			
29	योग	31		95			
29	अभ्यास पाठ	32		95			
29	स्वाधिनियम सामग्री का निर्माण	33		95			
29	योग	34		95			
29	स्तम्भ ३१ और ३४ का योग	35		95			
29	स्तम्भ ३६, ३७, ३८, ३९, ४०, ४१, ४२, ४३, ४४, ४५ का योग	36		95			
29	आंतरिक मूल्यांकन	37		95			
29	बाह्य परीक्षा	38		95			
29	योग	39		95			
29	अपेक्षित में विद्यमान अंक (३० से अधिक)	40		95			
29	सम्पूर्ण योग	41		95			
29	श्रेणी	42		95			
29	उत्तीर्ण	43		95			
29	उत्तीर्ण	44		95			

५०/-

५०/-

संशोधक

प्रशासक

सचिव

कार्यालय जिला शिक्षा अधीक्षक, मधेपुरा

कार्यालय-आदेश

16

निदेशक प्राथमिक शिक्षा-सह-संयुक्त सचिव बिहार पटना के पतांक ..... 2899

दिनांक 15.10.86 के अनुसार मधेपुरा जिला शिक्षा स्थापना समिति की बैठक दिनांक 23.12.86

के निर्णयानुसार श्री उमा भारती

पिता श्री राम चन्द्र प्रसाद ग्राम साउगाढ़ पो. साउगाढ़ प्रखंड मधेपुरा जिला मधेपुरा  
 योग्यता उच्च प्रशिक्षण की नियुक्ति श्री वि० राजपुर स्कूल में पूर्णकालीन शिक्षिका के पद पर (मधेपुरा)

अस्थाई रूप से मैट्रिक प्रशिक्षित वेतनमान ५५०-१०-६२०-१५-७७० द० अ०-१५-६०० में की जाती है। उनके द्वारा दिया गया प्रथम श्रेणी दण्डाधिकारी के शपथ पत्र में किसी तरह की गलती होगी तो उनके ऊपर एफ० आई० आर० दर्ज कर कानूनी कार्रवाई की जायेगी एवं बिना पूर्व सूचना के सेवा समाप्त कर दी जायेगी। प्रमाणपत्र सत्यापन के उपरान्त ही योगदान की तिथि में वेतन देय होगा। जिन अवधियों का आयु सरकारी सेवा के लिए निर्धारित आयु से अधिक होगी उनका वेतन भुगतान आयु शक्ति के उपरान्त ही होगा। यदि किसी अभ्यर्थी की नियुक्ति उनके गृह प्रखंड में (महिला अभ्यर्थी को छोड़कर) पावन के अन्तर्गत किलोमीटर के अन्दर हो गया हो तो उन्हें निरीक्षी पदाधिकारी योगदान नहीं कर देंगे तथा इसकी सूचना अधोहस्ताक्षरी को स्कूल सप्ताह के अन्दर देंगे जिससे उनका समायोजन अन्य विद्यालय में किया जा सके। नव नियुक्त शिक्षक पत्र निर्गत की तिथि से १५ दिनों के अन्दर अधोहस्ताक्षर के द्वारा पद पर योगदान कर लेंगे अन्यथा उनकी सेवा स्वतः समाप्त समझी जायेगी।

निरीक्षक पदाधिकारी प्रथम वेतन विषय के साथ सभी शैक्षणिक एवं प्रशैक्षणिक प्रमाण पत्रों की छाया प्रति अशैक्षिक शल्य चिकित्सक का मूल प्रमाणपत्र सेवा पुस्तिका संलग्न कर अधोहस्ताक्षरी के कार्यालय में भेजेंगे तथा सेवा पुस्तिका का प्रतिहस्ताक्षर अधोहस्ताक्षरी के द्वारा किया जायेगा।

जिला शिक्षा अधीक्षक मधेपुरा

क्रमांक 4665-174 मधेपुरा,

दिनांक 27.12.86

प्रतिलिपि संबंधित अभ्यर्थियों/प्रखंड शिक्षा प्रसार पदाधिकारी/वि० उप निरीक्षक  
मधेपुरा को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

जिला शिक्षा अधीक्षक, मधेपुरा

8/5/87  
27/12/86

क्रमांक

मधेपुरा,

दिनांक

प्रतिलिपि अवर प्रमंडल शिक्षा पदा० मधेपुरा/जिला शिक्षा पदाधिकारी, मधेपुरा/  
राज्य शिक्षा उप निदेशक कोशी प्रमंडल सहरसा को सूचनार्थ समर्पित।

जिला शिक्षा अधीक्षक, मधेपुरा

क्रमांक

मधेपुरा,

दिनांक

प्रतिलिपि जिला पदाधिकारी, मधेपुरा। विदेशी प्राथमिक शिक्षा-सह-संयुक्त सचिव  
बिहार, पटना को सूचनार्थ समर्पित।

जिला शिक्षा अधीक्षक, मधेपुरा

Letter No.-

Dated-

श्री 20/12

सेवा में

कार्यक्रम पदाधिकारी

रक्षा/पता, मधुपुर

विषय : आपकी निवारण कर प्रौद्योगिकी प्रदान करने के सम्बन्ध में।

सेवा में निवेदन है कि प्रौद्योगिकी प्रकाशना सुविधा के क्रम में 1971 पर मेरा नाम (उमा भारती) अंकित है और अग्रिमपुस्तिका में दो वर्षीय प्रशिक्षण सत्र तथा 5022 के सत्र में 29 वर्ष 2 मा 7 सम्बन्धी आपत्ति दर्ज है।

मेरे समय सीमा के अन्तर्गत आवेदन समर्थन कर स्पष्ट किया कि स्वतंत्र रूप से 5022 परीक्षा की परीक्षा के कारण प्रशिक्षण सत्र के साथ 20 वर्ष की सम्बन्धी आपत्ति के कारण बावजूद प्रौद्योगिकी सुविधा में मेरा नाम नहीं है।

मिन्सिपल नया जो उल्लेख करते हैं अनुशेष करती हैं कि मेरे आवेदन पर विचार की जाय मुझे प्रौद्योगिकी प्रदान की जाय।

① में सत्र 1979-81 में प्रशिक्षण पदवी प्राप्त की है।

② में 1982 में स्वतंत्र रूप से 5022 परीक्षा उत्तीर्ण की है।

उत्तीर्ण होने के कारण सत्र 20 वर्ष की बात समझी नहीं है। उल्लेखनीय है कि स्वतंत्र रूप से परीक्षा के लिए न तो नामांकित है और न कलस करने का ही प्रावधान है। 20 वर्ष सत्र 20 वर्ष की बात नहीं है। वैसे ही प्रशिक्षण सत्र 1981 के अंश में समाप्त हो गया है और अगला सत्र शुरू होना है। प्राप्ति जानकारी के अनुसार प्रौद्योगिकी सुविधा को ऐसी स्थिति में प्रौद्योगिकी दी गई है।

अनुमोदन  
① प्रशिक्षण सत्र में  
② 5022 का अनुमति

विभाग में  
आवृत्ति  
आवृत्ति



जेवा में,  
ज़िला शिक्षा पदाधिकारी,  
मधेपुरा

विषय - अनुचित आपत्ति को निरस्त कर स्नातक वेतनमान में प्रोन्नति प्रदान करने के सम्बन्ध में।

महाशय,

वर्णित विषयक प्रसंग में अनुरोध पूर्वक कहना है कि प्रोन्नति की प्रकाशित सूची के क्रम सं० 191 पर मेश नाम (उमा भारती) अंकित है तथा अठ्ठार कॉलेज में दो वर्षीय प्रशिक्षण सत्र तथा इन्टर के सत्र में एक वर्ष टकराने सम्बन्धी आपत्ति दर्ज है।

मैत्रे विभाग में आवेदन पत्र समर्पित कर स्पष्ट किया है कि स्वतंत्र (माइवेट) रूप से इन्टर की परीक्षा देने के कारण दो वर्षीय प्रशिक्षण सत्र के साथ इन्टर सत्र टकराने सम्बन्धी आपत्ति वैध नहीं है बावजूद मुझे प्रोन्नति नहीं दी गई है।

निम्नलिखित तथ्यों तथा प्रमाण पत्रों पर विचार करते हुए मुझे प्रोन्नति प्रदान की जाय -

(1) प्रशिक्षण सत्र तथा इन्टर सत्र में एक वर्ष टकराहट सम्बन्धी आपत्ति सही नहीं है क्योंकि मैत्रे इन्टर की परीक्षा 1982 में स्वतंत्र रूप से उत्तीर्ण हुई है।

अनुमति पत्र की ध्यापति सीलगढ़ एनेक्सर - I  
(2) विदित है कि स्वतंत्र रूप से परीक्षा में बैठने के लिए न तो नामांकन होता है और नही क्लास करने का ही प्रावधान है। स्वतंत्र परीक्षा के लिए सत्र नहीं होता बल्कि वीथर वर्ष में परीक्षा में बैठने की अनुमति दी जाती है।

बिहार इंटरमिडिएट शिक्षा परिषद् का रेगुलेशन एनेक्सर - II  
(3) इन्टर परीक्षा उत्तीर्ण होने के पश्चात् मैत्रे नियुक्ति इंटर प्रशिक्षित शिक्षिका में हुई है नियुक्ति पत्र की ध्यापति सीलगढ़ एनेक्सर - III

(4) बिहार सरकार शिक्षा निदेशक के ज्ञापक 190 दिनांक 13.03.2012 में वर्णित मार्गनिर्देश के बिन्दु - I का अवलोकन करना चाहिए जिसमें 1995 के पूर्व प्रशिक्षण सत्र तथा इन्टर सत्र में समानता अथवा एक वर्ष की टकराहट की स्थिति में भी नियुक्ति का प्रावधान व्यवर्णित है। यद्यपि इंटर माइवेट रूप से उत्तीर्ण होने के कारण मैत्रे साथ यह स्थिति नहीं है। पत्र की ध्यापति सीलगढ़ एनेक्सर - IV

अनुलग्नक : ① अनुमति पत्र की ध्यापति ② Inter-Regulation  
③ Appointment ④ निदेशक प्राथमिक का निर्देश पत्र  
⑤ प्रशिक्षण और Inter का एक पत्र

विश्वासभाज

उमा भारती

23-7-12

प्राथमिक वि० शिक्षक सै० ए० ए०

प्रेषक: श्री गीता उमा भारती, शिक्षिका  
 प्राथमिक विद्यालय, शिक्षक संघ, मधेपुरा

सेना में,

क्षेत्रीय शिक्षा उपनिदेशक (R.D.D.)  
 सहरसा

विषय - प्रोन्नति में लगाए गए आपत्तिको निरस्त कर स्नातक वर्ग में प्रोन्नति प्रदान करने के सम्बन्ध में।

महाराज,

उपरोक्त विषयक प्रसंग में अनुरोध पूर्वक करना है कि प्रोन्नति की प्रकाशित सूची के क्रम सं० 191 पर मेरा नाम (उमा भारती) अंकित है तथा अभ्युक्ति कोलम में दो वर्षों का प्रशिक्षण सत्र तथा इंटर के सत्र में एक वर्ष तक रात सम्बन्धी आपत्ति दर्ज है।

मैंने विभाग में आवेदन पत्र समर्पित कर स्पष्ट की है कि स्वतंत्र (Private) रूप से इंटर की परीक्षा देने के कारण दो वर्षों का प्रशिक्षण सत्र के साथ इंटर सत्र तक रात सम्बन्धी आपत्ति बंधा नहीं है, वास्तव में मुझे प्रोन्नति नहीं दी गई है।

निम्नलिखित तथ्यों तथा प्रमाण पत्रों पर विचार करने के लिए मुझे प्रोन्नति प्रदान की जाय -

① प्रशिक्षण सत्र तथा इंटर सत्र में एक वर्ष तक रात सम्बन्धी आपत्ति दर्ज नहीं है क्योंकि मैंने इंटर की परीक्षा 1982 में स्वतंत्र रूप से उत्तीर्ण हुई है।

② वास्तव में कि स्वतंत्र रूप से परीक्षा में बैठने के लिए न तो नामांकन होता है और न ही कक्षा करने का ही प्रावधान है। स्वतंत्र परीक्षा के लिए सत्र नहीं होता बल्कि वांछित वर्ष में परीक्षा में बैठने का अनुमति दी जाती है।

③ दो वर्षों का शिक्षण प्रशिक्षण परीक्षा तथा स्वतंत्र रूप से इंटर परीक्षा उत्तीर्ण होने के पश्चात् इंटर प्रशिक्षण शिक्षक के रूप में मेरी नियुक्ति हुई है।

④ बिहार सरकार शिक्षा निदेशक के द्वारा एक 190 दिनांक 13.03.2012 में निर्गत मार्गनिर्देश के बिन्दु 1 का अवलोकन करना चाहिये कि वर्ष 1995 के पूर्व प्रशिक्षण सत्र तथा इंटर सत्र में समाप्त अभ्युक्ति का रूप की टकराहट की स्थिति में भी नियुक्ति का प्रावधान बंधा नहीं है। मैंने विभाग समेत जिला पदाधिकारी मधेपुरा, निर्देशिका मधेपुरा को भी अवगत तथा रखते हुए प्रोन्नति हेतु अनुरोध किया है।

अतः श्रीमान से प्रार्थना है कि उपरोक्त तथ्यों तथा प्रमाण पत्रों के आलोक में स्नातक वर्ग में प्रोन्नति प्रदान करने की कृपा करें।

अनुवादनक ① शिक्षण प्रशिक्षण का अंक पत्र ② इंटर का अंक पत्र

- ③ इंटरमिडिएट परीक्षा में बैठने का अनुमति पत्र
- ④ इंटरमिडिएट का रजिस्ट्रेशन/नियमपत्र
- ⑤ निदेशक प्राथमिक, मातृ संसाधन विभाग का निदेश पत्र तथा ⑥ नियुक्ति पत्र की छाया प्रति
- ⑦ मैट्रिक का अंक पत्र

विश्वाय गंगुली  
 उमा भारती  
 14-8-12

410/वि० शिक्षा सं० मधेपुरा

14-8-12