

Sc-14
16/4/13

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Writ Jurisdiction)

C.W.J.C.No.

Of 2013

Sudhir Ram

.....Petitioner

Versus

The State of Bihar & others

.....Respondents

Subject- Promotion,(school service)
Education Department.

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IN THE HIGH COURT OF JUDICATURE AT PATNA
(Civil Writ Jurisdiction)

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Of 2013

Sudhir Ram

.....Petitioner

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The State of Bihar & others

.....Respondents

Synopsis

Prayer- For quashing the order memo no.2392 dt.07.12.12 issued by respondent no.6 by which rejected the claim of petitioner for promotion in the graduate trained scale without any clausable reason, whenever Clause 02 of the letter dt.04.01.2010 issued by respondent no.3 by which clearly stipulated'at same period' ,if any teacher enhanced qualification ,they are not entitled for promotion,where case of the petitioner is ,he enhanced qualification not in same period of the school rather than ,he enhanced qualification in period of night , i.e.not school time period and appeared in the examination after due permission by the appointing authority and direction to the respondent no.6 for inclusion of the name of the petitioners in the final gradation /se niority list for promotion in B.A. trained scale, on the ground ,he has enhanced qualification B.A. by evening college even then respondent no.6 has not been inclusion his name in the final gradation/seniority list for B.A.trained scale without any valid reasons and further issued direction to the respondents to grant B.A. trained scale with effect from date similarly situated person and junior to petitioner or he has enhanced qualification or there on, from which date ,he is eligible for promotion .

28.08.94 Petitioner was appointed by letter dt. 28.08.1994, soon after declared success through B.P.S.C. examination for appointment on the post of teacher.

31.12.95. Petitioner enhanced his qualification as B.A., with permission by authority

25.11.97 Passed as B.A

20.04.02 By permission letter dt. 20.04.2002 for enhanced qualification as M.A.

. 2002 He did M.A. in the year, 2002 .

4.01.2010 Issued by respondent no.3 ,Director, Primary Education, Bihar Patna. by which directed to grant promotion to the teachers in graduate trained and headmaster scale,in said very letter clearly metioned in clause (2) that if any teacher enhanced their qualification as regular student in the college and on the said very period also present in the school and got salary,than those teachers are not entitled for promotion .

01.02.11. Petitioner is working as Assistant teacher in the Primary School the school time is or was from 10.00 A.M. to 4.00 P.M. generally, during that period,he has not possible to enhance qualification except private or evening, hence pettiioner took decision for admission in the evening college where claases of college was going on from 7.00.P.M. to 10.45 P.M., and he took admis sion in Lorik Ambedkar Evening college Madhepura,as certificate has been granted on 01.02.11.

10.05.12 Petitioner filed C.W.J.C. no.2443/2011, which was heard and disposed on with direction to respondent no.6 to consider the case of the petitioner within 3 months but did not consider as per goverment circular

07.12.12 Respondent no.6 passed the order without application of the mind , hence order dt. 07.12.12 is fit to be set aside.

Hence this writ application.

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Writ Jurisdiction)

C.W.J.C.No. of 2013

**In the matter of an application under Ar
-ticle 226 of the Constitution of India.**

A N D

In the matter of

**Sudhir Ram son of Basudev Ram, resident of Village - Parwa Tola Sant Nagar, P.S.
Murliganj, District Madhepura.Petitioner**

Versus

- 1. The State of Bihar.**
- 2. The Principle Secretary, Human Resources Development Department, Government of Bihar, Patna.**
- 3. The Director, Primary Education, Bihar Patna.**
- 4. The Regional Deputy Director of Education, Koshi Division, Saharsa.**
- 5. The Chairman, District Primary Teacher Promotion Committee -cum- District Education Officer, Madhepura, District Madhepura.**
- 6. The District Programme Officer (Establishment) , Dist-MadhepuraRespondents**

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 application on behalf
of petitioner above named.

MOST RESPECTFULLY SHEWETH :-

1. That this writ application is being filed for issuance of writ nature of certiorari for quashing the order memo no.2392 dt.07.12.12 issued by respondent no.6 by which rejected the claim of petitioner for promotion in the graduate trained scale without any plausible reason, whenever Clause 02 of the letter dt.04.01.2010 issued by respondent no.3 by which clearly stipulated 'at same period' ,if any teacher enhanced qualification ,they are not entitled for promotion,where case of the petitioner is ,he enhanced qualification not in same period of the school rather than ,he enhanced qualification in period of night , i.e.not school time period and appeared in the examination after due permission by the appointing authority and direction to the respondent no.6 for inclusion of the name of the petitioners in the final gradation /seniority list for promotion in B.A. trained scale, on the ground ,he has enhanced qualification B.A. by evening college even then respondent no.6 has not been inclusion his name in the final gradation/seniority list for B.A.trained scale without any valid reasons and further issued direction to the respondents to grant B.A. trained scale with effect from date similarly situated person and junior to petitioner or he has enhanced qualification or there on, from which date ,he is eligible for promotion and further give other legal consequential benefit attached to the post.

2. That main point involved in this writ application are as follows :-

- i) Whether petitioner having qualification B.A.through evening college thus he is entitled for inclusion of his name in the gradation list 2010,which has been prepared for promotion in B.A.trained Scale and its benefit of promotion or not ?

- ii) Whether petitioner has enhanced qualification as B.A. thus he is entitled for B.A. trained scale in view of the government circular or not ?
- iii) Whether in view of the government circular, name of petitioner should have included in the gradation list 2010 for promotion of B.A. trained Scale in view of the rule 7 of promotion rule 1993 or not ?
- iv) Whether respondent no.3 issued letter for grant of promotion by which clearly mentioned that if any teacher have enhanced their qualification as regular student and getting salary, they are not entitled for promotion in said scale, where as petitioner has enhanced qualification as regular by evening college, which is not school time thus he is entitled for benefits of the B.A trained scale or not ?
- v) Whether action of the respondents are illegally, arbitrary, malafide and miscarriage of justice, due to non inclusion of his name in the final gradation list 2010, for promotion of B.A. trained Scale or not ?
- vi) Whether respondents have jurisdiction to not included his name in the gradation even ,when he has qualification of B.A. and M.A. or not ?
- vii) Whether respondents have been violated article 14 and 16 of the Constitution of India.

3. That the petitioner is citizen of India and he is right guarantee under the constitution of India.

4. That the appointment of petitioner was made on the post of the ast. teacher by letter dt.28.08.1994, soon after declared success through B.P.S.C. examination for appointment on the post of teacher.

A true/photo of the appointment letter dt. 28.08.1994 is annexed as Annexure-1 with this petition.

5. That at the time of appointment, petitioner having qualification I.A. trained and he enhanced qualification as B.A., with due permission by concerned authority by letter dt. 31.12.95 to appear in the examination and further stated that after enhancing his qualification B.A., he will be entitled for benefit for promotion for which department has no objection, in the same manner he took permission letter dt. 20.04.2002 for enhanced qualification as M.A.

A true/photo copy of the letter dt. 31.12.95 and 20.04.02 are annexed as Annexure-2 and 3 with this petition.

6. That petitioner took admission in Lorik Ambedkar Evening College Madhepura, and he appeared in the examination 1996 and got qualification as B.A. with effect from 25.11.1997 for which the college granted certificate and marksheet.

A true/photo copy of the marksheet and certificate of B.A. is annexed as Annexure-4 and 5 with this petition.

7. That it is needful to be stated here that the petitioner no.1 enhanced qualification M.A. from the Nalanda Open University with a due permission by authority concerned, he did M.A. in the year, 2002 .

A true/photo copy of the marksheet of M.A. is annexed as Annexure-6 with this petition.

8. That it is needful to be stated here that the petitioner is working as Assistant teacher in the Primary School the school time is or was from 10.00 A.M. to 4.00 P.M. generally, during that period, he has not been possible to enhance qualification except private or evening, hence petitioner took decision for admission in the evening college where classes of college were going on from 7.00 P.M. to 10.45 P.M., and he took admission in Lorik Ambedkar Evening college Madhepura, as certificate has been granted.

A true/photo copy of the certificate 1.02.11 is annexed as Annexure-7 with this petition.

9. That the respondents prepared seniority list 2010, on said very list petitioner find sl. no. 312 in the remark column ,written as illegible ,for which petitioners filed application with objection by the application dt. 09.07.2010 before the respondent no.6,but his objection application has not considered and issued final seniority list 2010 , on said very list, petitioners's name does not figure without any reason .

10. That it is admitted fact is that petitioner has enhanced qualification as B.A.during course of service by the evening college, where classes was going on towards 7.00 P.M. to 10 P.M. where as timing of the school was between 10.00 A.M. to 4.00 P.M. in this circumstances, qualification of the petitioner should have considered in the light of the goverment circular and he is legal entitled for the promotion for B.A. trained scale and respondents have to consider his case as similarly situated as junior to petitioner's case have been considered for promotion in B.A trained scale.

11. That letter dt. 4.01.2010 issued by respondent no.3 ,Director, Primary Education, Bihar Patna. by which directed to grant promotion to the teachers in graduate trained and headmaster scale,in said very letter clearly metioned in clause (2) that if any teacher enhanced their qualification as regular student in the college and on the said very period also present in the school and got salary,than those teachers are not entitled for promotion in aforsaid scale but said letter do not speak about enhanced qualification through private,meaning there by ,who got degree by private,they are entitled for said promotion.

A true photo copy of letter dt.4.01.2010 is annexed as annexure-8 of this petition.

12. That case of petitioner is fully covered for promotion by the letter dt.4.01.2010 issued by respondent no.3 and his qualification of B.A. is valid ,he is entitled for inclusion of his name in the seniority /gradation list 2010 for promotion in B.A.trained scale.

13. That it is needful to stated here that the several junior to petitioner have got promotion in B.A. trained scale but respondent authorities have been debarred from said promotion to reason best known to the respondent.

14. That petitioner filed C.W.J.C. no.2443/2011, which was heard on 10.05.12 and disposed on 10.05.12 with direction to respondent no.6 to consider the case of the petitioner within 3 months but did not consider as per goverment circular rather passed the order dt. 07.12.12 without application of the mind , hence order dt. 07.12.12 is fit to be set aside.

A true photo copy of order dt.10.05.12 and 07.12.12
are annexed as annexure-9&10 of this petition.

15. That respondents have to consider the case of petitioner as he enhanced qualification with due permission by the cometant authority and also held that he will get benefit of the enhanced qualification and he enhanced qualification in off time of the school thus order has not consider, same should be set aside.

16. That in view of the government circular the petitioner is entitled for promotion in B.A. trained scale ,he has enhanced qualification in the respective year .

17. That respondents have no right to adopted the picks and choose policies and have also no right to violated the articles Article 14 and 16 of the Constitution of India.

18. That action of the respondent are arbitrary, malafide and miscourage of Justice .

19. That on the above facts and circumstances of the case petitioner is deserved relief

by this Hon'ble court.

20. That petitioner has no alternative and efficacious remedy save and except to move before this Hon'ble Court.

21. That petitioner has not moved before this Hon'ble Court any time earlier for the relief sought for in para-1 of this writ application.

It is, therefore, prayed that your lordships may graciously be pleased to issue notice to show cause as to why the relief sought for in para-1 of this writ application be not granted to petitioner and upon cause being shown if any, and after hearing the parties pass such other order/orders as your lordships may deem fit and proper.

And for this the petitioner shall ever pray.

AFFIDAVIT

I, Sudhir Ram, aged about 43 years, son of Basudeo Ram, resident of Village -Parwa Tola Sant Nagar, P.S.- Murliganj, District- Madhepura, do hereby solemnly affirm and state as follows:-

1. That I am petitioner in this case and as such am well acquainted with the facts and circumstances of the case.
2. That I have gone through the contents of this application and have fully understood the same. The statements made in paragraphs no.3, 9,10,12 to 13 and 15 to 18 are true to my knowledge and paragraphs no.4 to 8,11 and 14 information derived from the records of the case and rest are by way of submission before this Hon'ble Court.
3. That annexures are true/photo copy of the originals.



कार्यालय, जिला शिक्षा अधीक्षक, मधेपुरा ।

आयुक्त आदेश

सचिव लोक सेवा आयोग पटना के पत्र संख्या 170 दिनांक 30.7.94 के द्वारा शिक्षक की पद पर नियुक्ति हेतु अनुशंसित सूची एवं निदेशक प्राथमिक शिक्षा बिहार पटना के पत्रांक 7/नि0 17/93-1367 दिनांक 28.7.94 के निर्देशानुसार एवं जिला शिक्षा स्थापना समिति, मधेपुरा की बैठक दिनांक 28.8.94 के निर्णयानुसार श्री

श्री शम कृमांक 015754 पिता श्री सुकीर
 श्री शम गाम पड़वा पो. पड़वा नवदीठ
 प्रसंग मुकीगंज जिला मधेपुरा की नियुक्ति मध्यम
शनीपट्टी पूर्व (कुमारखोरा) में पूर्णतः अस्थायी रूप से मैट्रिक अप्रशिक्षित वेतनमान 975-25-1150-30-1540 में की जाती है ।

2. प्रत्येक अभ्यर्थी को इस आशय का शपथ पत्र देना होगा कि उनके द्वारा दी गई सभी सूचनाएं एवं प्रमाण पत्र सत्य एवं वैध हैं । इसमें किसी भी प्रकार की गड़बड़ों पाये जाने पर उनके बिलम्ब प्राथमिकी दर्ज कर कानूनी कार्रवाई की जायगी एवं बिना पूर्व सूचना के सेवा समाप्त कर दी जायगी ।

3. अविवाहित अभ्यर्थी तिलक दहेज नहीं लेने की घोषणा विहित प्रपत्र शपथ पत्र के साथ देना होगा, ब्रह्मि सभी वेतन भुगतान होगा, बालविवाह अपने बच्चे का नहीं करे, परिवारकल्याण कार्यक्रम का अनुपालन करने तथा पूर्ण साक्षरता कराने के लिए उत्तरदायी रहने की घोषणा करेंगे ।

जिन अभ्यर्थियों की आयु सरकारी सेवा के लिए निर्धारित आयु से अधिक होगी उनका वेतन भुगतान तक्षम पदाधिकारी से आयु क्षान्ति के उपरान्त ही होगा । यदि किसी अभ्यर्थी की नियुक्ति उनके गृह प्रसंग में महिला अभ्यर्थी को छोड़कर हो गया हो तो निरीधी पदाधिकारी योगदान स्वीकार नहीं करेंगे तथा उसकी सूचना अधोहस्ताधरी को एक सप्ताह के अन्दर देगे जिससे उसका सामंजन विद्यालय में किया जा सके ।

4. निरीधी पदाधिकारी नव नियुक्त सभी शिक्षकों को सभी शैक्षणिक एवं प्रशैक्षणिक प्रमाण पत्रों की मूल प्रति एवं प्रत्येक की तीन-तीन छाया प्रति जो अभिप्रमाणित हो तथा अतिरिक्त शल्य चिकित्सा पदाधिकारी का चिकित्सा प्रमाण पत्र की मूल प्रति अधोहस्ताधरी के कार्यालय में जाँच हेतु भेजेंगे ।

5. सभी प्रमाण पत्रों के सत्यापनोपरान्त ही योगदान की तिथि से वेतन देय

-2-

होगा। विभाग के द्वारा प्रतिकूल आदेश प्राप्त होने पर यह नियुक्ति स्वतः समाप्त समझी जायगी। अस्थायी पत्र निर्गत के पन्द्रह दिनों के भीतर किसी भी दिन अनिवार्य रूप से योगदान कर लेंगे।

§ मधुसूदन पासवान §

जिला शिक्षा अधीक्षक, मधेपुरा।

ज्ञापांक 436-316 मधेपुरा, दिनांक 28 अगस्त 1994 ई०।

प्रतिलिपि सम्बन्धित अस्थायी/सूच्य प्रधानाध्यापक/प्रखंड शिक्षा प्रसार पदाधिकारी/क्षेत्र शिक्षा पदाधिकारी को सूचनाएं एवं आवश्यक कार्याधि प्रेषित।

§ मधुसूदन पासवान §

जिला शिक्षा अधीक्षक, मधेपुरा।

ज्ञापांक 436-316 मधेपुरा, दिनांक 28 अगस्त 1994 ई०।

प्रतिलिपि अवर प्रमण्डल शिक्षा पदाधिकारी, मधेपुरा/उदा किशुन्गोज/जिला शिक्षा पदाधिकारी, मधेपुरा/जिला विद्यालय निरीक्षक, मधेपुरा/जिला कोषागार पदाधिकारी, मधेपुरा एवं क्षेत्रीय उप शिक्षा निदेशक, कोषी प्रमण्डल, सहरसा की सेवा में सूचनाएं सम्प्रेषित।

§ मधुसूदन पासवान §

जिला शिक्षा अधीक्षक, मधेपुरा।

ज्ञापांक 436-316 मधेपुरा, दिनांक 28 अगस्त 1994 ई०।

प्रतिलिपि उप विकास आयुक्त, मधेपुरा/जिला पदाधिकारी, मधेपुरा एवं निदेशक, प्राथमिक शिक्षा बिहार, पटना की सेवा में सूचनाएं सम्प्रेषित।

§ मधुसूदन पासवान §

जिला शिक्षा अधीक्षक, मधेपुरा।

Annexure 2

A2

(11)

कार्यालय, जिला शिक्षा अधीक्षक, मधेपुरा ।

कार्यालय-आदेश
=====

पत्रांक. 1234...

दिनांक 31-12-95

श्री सुधीर राम, सहायक शिक्षक, मध्य विद्यालय, रागीपट्टी पूर्व अंचल-कुमारखंड को लौकिक अम्बेकर संस्था महाविद्यालय, मधेपुरा से तद्व 1293-1993 में निवर्तमान रनातक प्रतिष्ठापन परीक्षा में बैठने की अनुमति दी जाती है । बढ़ाई गयी योग्यता के आधार पर जिला के अनुक्रम सूची से लाभ देय होगा । इससे विभाग को कोई आवृत्ति नहीं है ।

31-12-95
जिला शिक्षा अधीक्षक,

31-12-95

Ameyan. 3

A 3012

कामदार - निमा (2137) डायरी/मजदूर /

कामदार - डायरी

पत्रांक-892
दिनांक-20/4/02

श्री. सुधीर राम - (6418) (2137) मजदूर-राजीव
युवक संघ - कुमा (285) का - 2137 - 2000-2002 में

नामका सुमा विद्युतविभाग, किडडुपुडी, पटना
श्री. रामराम (त-गानकौत) की पत्नी श्री-पत्नी-
प्रायः का डायरी (4) शामिल होना की-
अनुमति-सुधान की पत्नी श्री-9.6/8 गरी मोहन
की डायरी (4) निमा के अंकन सूची के
नाम- देय होना।

20/4/02
निमा (2137) डायरी/मजदूर
मजदूर /
20/4/02

Amr...

12

कार्यालय जिला शिक्षा अधीक्षक, मधेपुरा
कार्यालय आदेश
पत्रांक 892 दिनांक 20.4.2002

श्री सुधी राम सहायक शिक्षक म० वि० रानी पट्टी पूर्व अंचल कुमारखण्ड को सत्र 2000--2002 में नालन्दा खुला विश्वविद्यालय किदवइपुरी पटना से एम० ए० (स्नातकोत्तर) की परीक्षा में पत्राचार पाठ्यक्रम के आधार पर सम्मिलित होने की अनुमति प्रदान की जाती है बढ़ाई गयी योग्यता के आधार पर जिला के अनुक्रम सूची से लाभ देय होगा।

जिला शिक्षा अधीक्षक
मधेपुरा

Sl. No. ^A 97

11363



The following are the details
Registration No. - 229 03
of - *July* - 1

Roll No. & year of Part I Exam.	HON
-----	Subject
Part II Exam.	-----
-----	Theoriti
Full Marks	600/8
Pass Marks	270/30
Marks Obtained	42

Rs. 20/- only.

Annexure - B

A B (14)

EXAMINATION DEPARTMENT

Lorik-Ambedkar Evening College

MADHEPURA - 852113

Ref. No. A.E. - 188A/98

Date 20-03-1998

माहित किया जाता है कि परीक्षार्थी - सुधीर राम

विश्वविद्यालय क्रमांक 77750 पंजीयन संख्या - 22907/93

में मूषेन्द्र नारायण मंडल विश्वविद्यालय लाहौर, मध्य प्रदेश,

से स्नातक कला इतिहास प्रविष्टा परीक्षा 1996 में द्वितीय वर्ग

से उत्तीर्ण हुआ है जो इस महाविद्यालय के नियमित छात्र

हैं जिसका विश्वविद्यालय (द्वारा) परीक्षा प्रकारानुसार तिथि-

25-11-1997 है।

[Signature]
20/3/98

[Signature]
PROF. P.P.C. O.C.
Lorik-Ambedkar Evening College
MADHEPURA (M.P.)

TC
Ambedkar 5
14

EXAMINATION DEPARTMENT

Lorik-Ambedkar Evening College
MADHEPURA-852113

Ref. No. 2AE188A/98

Date 20.03.1998

प्रमाणित किया जाता है कि परीक्षार्थी सुधीर राम विश्वविद्यालय क्रमांक 77750 पंजीयन संख्या 2290/93 ने भूपेन्द्र नारायण मंडल विश्वविद्यालय लालूनगर, मधेपुरा, से स्नातक कला इतिहास प्रतिष्ठा परीक्षा 1996 में द्वितीय वर्ग से उत्तीर्ण हुआ है। जो इस महाविद्यालय के नियमित छात्र हैं। परीक्षा विश्वविद्यालय द्वारा परीक्षा प्रकाशन तिथि 25.11.1997 है।

ह0/- अस्पष्ट
20.03.1998

ह0/- अस्पष्ट

2002/716

The following are the
Master of Arts (History) Examination

FULL MARKS	:
AGGREGATE PASS MARKS	:

< - - - - -
1 2 3

MARKS OBTAINED			
BY THE CANDIDATE	45	29	27

R.S.N.
TABULATOR

American 7

16

लोरिक - अम्बेदकर संस्था महाविद्यालय

मधेपुरा - ८५२११३

पत्रांक LAEC-6A/11

दिनांक 1/2/11

TO WHOM IT MAY CONCERN

प्रमाणित किया जाता है कि युष्कि राव,
रुमांक- 77750, पं. सं. - 92907/93 ने इस
महाविद्यालय से ली. ए. (प्रतिष्ठा) परीक्षा, 1996 पास
किया। लोरिक-अम्बेदकर संस्था महाविद्यालय, मधेपुरा
(Lorik-Ambedkar Evening College, Madhepura)
साथ कोरेज है, जिसमें वर्ग-संचालन आपराह्न 7.00
से आपराह्न 10.45 तक किया जाता था।

पुष्पगोप्य

Ameyan

16 17

पत्रांक 7/व 3-659/92 अंश-1 04

बिहार सरकार
मानव संसाधन विकास विभाग।

प्रेषक,

आशुतोष,
निदेशक, प्राथमिक शिक्षा।

सेवा में,

सभी जिला पदाधिकारी,
सभी जिला शिक्षा अधीक्षक।

पटना, दिनांक- 04/01/10

विषय :-

राज्य के प्रारंभिक विद्यालयों के जिला सम्बर्गीय शिक्षकों को माननीय उच्च न्यायालय पटना के आदेश के आलोक में निर्धारित समय-सीमा के भीतर स्नातक प्रशिक्षित वेतनमान एवं मध्य विद्यालयों के प्रधानाध्यापक के पदों पर प्रोन्नति देने के संबंध में।

महाशय,

उपर्युक्त विषयक प्रधान सचिव, मानव संसाधन विकास विभाग के पत्रांक-1097 दिनांक 09.07.2009 एवं अद्योहस्ताक्षरी के पत्रांक 1867 दिनांक 08.12.2009 का कृपया निदेश करें। उक्त पत्र के द्वारा राज्य के मध्य विद्यालयों के स्नातक प्रशिक्षित वेतनमान एवं प्रधानाध्यापक के पदों पर प्रोन्नति हेतु आवश्यक निदेश निर्गत किये गये हैं। साथ ही यह भी अनुरोध किया गया है कि माननीय उच्च न्यायालय पटना के आदेश को ध्यान में रखते हुए एक समय-सीमा के अन्तर्गत प्रारंभिक विद्यालयों के शिक्षकों की प्रोन्नति की कार्रवाई पूर्ण की जाए।

स्नातक प्रशिक्षित वेतनमान एवं प्रधानाध्यापक के पदों पर प्रोन्नति के संबंध में कतिपय बिन्दुओं को जिला शिक्षा अधीक्षकों की राज्य स्तरीय बैठक में स्पष्ट किया गया था। जिन बिन्दुओं को स्पष्ट किया गया था उनमें से मुख्य बिन्दु निम्नवत हैं :-

1. मध्य विद्यालयों के स्नातक प्रशिक्षित वेतनमान एवं प्रधानाध्यापक के पदों पर भूतलक्षी प्रभाव से प्रोन्नति देय नहीं है।
2. यदि किसी शिक्षक द्वारा एक ही अवधि में विद्यालय में उपस्थित रहकर वेतन प्राप्त किया गया है और उसी अवधि में किसी महाविद्यालय के नियमित छात्र के रूप में स्नातक/स्नातकोत्तर की डिग्री प्राप्त की गयी है तो ऐसे शिक्षकों की डिग्री को अवैध मानते हुए उन्हें प्रोन्नति देय नहीं होगी। साथ ही ऐसे मामले प्रकाश में आने पर संबंधित शिक्षकों के विरुद्ध अनुशासनिक कार्रवाई की जाए।
3. जिस किसी डिग्री अथवा उपाधि को बिहार सरकार के कार्मिक एवं प्रशासनिक सुधार विभाग अथवा मानव संसाधन विकास विभाग द्वारा नियुक्ति एवं प्रोन्नति हेतु समतुल्यता प्रदान नहीं की गयी है, वैसी डिग्री अथवा उपाधि के आधार पर प्रोन्नति देय नहीं है।

4. स्नातक प्रशिक्षित वेतमान एवं प्रधानाध्यापक के पद पर प्रोन्ती हेतु प्रोनती के लिए निधारित आरक्षण रोस्टर का पालन किया जाए।

विश्वासभाजन

(आशुतोष)

30.12.2009

निदेश प्राथमिक शिक्षा।

ज्ञापांक :- 7/9-3-659/92 अशं-1-04 पटना दिनांक 04/01/10

प्रतिलिपी :- सभी उप विकाश आयुक्त / सभी जिला शिक्षा प्रदाधिकारी को सूचर्नाथ एवंम आवश्यक कार्यार्थ प्रेषित।

अस्पष्ट

30/12/09

निदेशक प्राथमिक शिक्षा।

A-200 x-200-9

9

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2443 of 2011

1. Sudhir Ram Son of Basudev Ram resident of village Parwa Tola Sant Nagar.
2. Rajendra Ram son of Methar Ram resident of Murliganj, both are P.S. Murliganj, District Madhepura.

..... Petitioner/s

Versus

The State Of Bihar & Ors

..... Respondent/s

Appearance :

For the Petitioner/s : M/S. Sharda Nand Mishra, Dhananjay Kumar Gupta & Deepak Kumar.
 For the Respondent/s : Mr. Shailendra Kumar Singh, A.C. to AAG10

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI.
ORAL ORDER

3 10-05-2012

Since no counter affidavit has been filed on behalf of the State, this writ application is disposed of with a direction upon the District Programme Officer (Establishment), Madhepura that in case petitioner files a fresh application with a copy of this order for inclusion of his name in the gradation list for grant of benefit of graduate scale, the same will be verified and a decision taken and communicated to the petitioner within a period of three months from the date of filing of such application.

This writ application stands disposed of with the direction aforesaid.

Sd/-
(Ajay Kumar Tripathi, J)

DEPARTMENT OF POST
 PATNA CIRCLE
 1 PURT FEE
 STAMP UNIT
 00000
 00000002
 10/05/2012
 Amin/-
 9320881

TO BE TRUE PHOTO COPY
Chari
 15.5.2012
 For Joint Registrar (J)
 Patna High Court
 District 813 76

Annexure 10

20

कार्यालय जिला शिक्षा पदाधिकारी, मधेपुरा

(स्थापना शाखा)


कार्यालय आदेश

यह आदेश माननीय उच्च न्यायालय में सी० उक्ल० जे० सी० सं० 2443/2011 सुधीर राम एवं अन्य बनाम राज्य सरकार एवं अन्य में दिनांक 10.05.2012 को पारित न्यायदेश के आलोक में तथा वादी द्वारा दिए गए प्रतिनिधित्व आवेदन दिनांक 01.08.2012 के क्रम में पारित किया जा रहा है।

वादी का कथन है कि संघ्या महाविद्यालय से नियमित रूप से स्नातक (प्रतिष्ठ) परीक्षा उत्तीर्ण हो चुका हूँ, तथा मुझे स्नातक प्रशिक्षित वेतनमान दिया जाए।

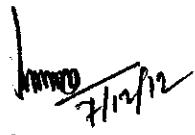
निदेशक, प्राथमिक शिक्षा बिहार के पत्रांक 04 दिनांक 04.01.2010 के द्वारा निर्गत पत्र के कंडिका 02 में स्पष्ट अंकित है कि "यदि किसी शिक्षक द्वारा एक ही अवधि में विद्यालय में उपस्थित रहकर वेतन प्राप्त किया गया है और उसी अवधि में किसी महाविद्यालय के नियमित छात्र के रूप में स्नातक/स्नातकोत्तर की डिग्री प्राप्त की गयी है तो ऐसे शिक्षकों की डिग्री को अवैध मानते हुए उन्हें प्रोन्नति देय नहीं होगी। साथ ही ऐसे मामले प्रकट में आने पर संबंधित शिक्षकों के विरुद्ध अनुसैनिक कार्रवाई की जाए।"

अतएव उपरोक्त वर्णित परिस्थिति में वादी सुधीर राम एवं अन्य के स्नातक प्रशिक्षित वेतनमान के दावे को अस्वीकृत किया जाता है।


जिला कार्यक्रम पदाधिकारी
स्थापना, मधेपुरा।

हापांक 2392 दिनांक 02-12-12

प्रतिलिपि: वादी सुधीर राम, स० छि० उक्ल० म० वि० रामपुर न० - 01 अंचल -
मुरलीगंज/श्री राजेन्द्र राम पिता - श्री मेहतर राम मुरलीगंज, मधेपुरा को सूचनार्थ
एवं आक्षयक कार्यार्थ प्रेषित।


जिला कार्यक्रम पदाधिकारी

स्थापना, मधेपुरा।

6/12/12

Annexure B

(13)

Sl. No. ^A 97



B. N. MANDAL UNIVERSITY

Laloo Nagar, MADHEPURA (Bihar)

11363

THREE YEAR DEGREE (HONOURS) COURSE

B. A. (HONOURS) FINAL

Date of Issue 6/3/98

The following are the details of marks obtained by Sri. SARATHI ... Roll No. 22250 ...
 Registration No. 22902 - Year 93 ... at the BACHELOR OF ARTS (HONOURS) FINAL EXAMINATION 1996 ... held in the Month
 of July - 1993

Roll No. & year of Part I Exam.	HONOURS		First Subsidiary		Second Subsidiary		RASTRA BHASHA		General Studies	Grand Total	Result		REMARKS
	Theoretical	Practical	Theoretical	Practical	Theoretical	Practical	Hindi	N-Hindi			M. B.	First Class	
Full Marks	600/800	200	150/200	50	150/200	50	200	100	100	1500	First Class	Second Class	First Class 60% Second Class 45% Provided Pass Marks in each Subject of each part
Pass Marks	270/360	90	46/66	20	46/66	20	66	33	33		II		Aggregate in Words
Marks Obtained	438	-	105	-	99	-	121	57	820				Eight hundred twenty of

Rs. 20/- only.

Assistant

Sectional Officer

Signature of Tabulator

Control Examinations

Annexure-6

PS

[Signature]

2002/716

DATE: September 6, 2002

NALANDA OPEN UNIVERSITY

(A State Open University)

The following are the marks obtained by **SUDHIR RAM** Exam Roll No.: **NOU/8716** Reg. No.: **HIS-8577** of Nalanda Open University at the Master of Arts (History) Examination of 2000-2007 held in the month of June 2002.

FULL MARKS		THEORY : 560		ASSIGNMENT : 240		TOTAL : 800																	
AGGREGATE PASS MARKS		THEORY : 183		ASSIGNMENT : 80		TOTAL : 263																	
		1	2	3	4	5	6	7	8	TOTAL	PERCENT	RESULT	REMARKS										
THEORY																							
ASSIGNMENT																							
TOTAL																							
GRAND																							
PERCENT																							
RESULT																							
REMARKS																							
MARKS OBTAINED		45	29	27	35	33	35	38	33	15	18	18	23	22	22	16	26	275	160	435	54.38	Second	
BY THE CANDIDATE																							

I Class 60% or above.
II Class >= 45% or < 60%
III Class >= 36% or < 45%
Fail < 36%

ZS.N
TABULATOR

REGISTRAR (EXAM)
NALANDA OPEN UNIVERSITY