

---

**(2022) 08 JH CK 0003**  
**In the Jharkhand High Court**  
**Case No : Writ Petition (S) No. 2085 Of 2018**

Sanjeev Kumar Singh

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

---

**Date of Decision :** 02-08-2022

**Acts Referred:**

Bihar Education Code, 1961 — Article 782

**Citation :** (2022) 08 JH CK 0003

**Hon'ble Judges :** Anubha Rawat Choudhary, J

**Bench :** Single Bench

**Advocate :** Lalit Kumar Singh, Shivani Kapoor

**Final Decision :** Disposed Of

---

## Judgement

Anubha Rawat Choudhary, J

1. Learned counsel for the parties are present.
2. This writ petition has been filed for the following reliefs:-

"For issuance of direction upon the concerned respondent authority to consider representation/case of the petitioner (Annexure-9) in regard to given promotion against 50% vacant identified posts of Subordinate Education Service (S.E.S.) (Primary Section) from Lower Subordinate Education Service, in terms of relevant provision of policy decision of the state government contained in Letter No. 967 dated 24.04.1971 read with Letter No. 198 dated 25.03.1986, 2530 dated 26.09.2003 and Article 782 of Bihar/Jharkhand Education Code, and prevalent practice and procedure and Law laid down by Hon'ble Supreme Court in the case of Dwarika Prasad & Others versus Union of India, reported in 2004(1) JLJR-SC-102 and this court in the case of Indra Narayan Mahto versus State of Jharkhand reported in 2004(1) JLJR-246, as per his eligibility and seniority as Assistant Teacher of Government Basic School, presently working in Government Basic School, presently working in Government Basic School, Dorkasai in the district of East Singhbhum because cases of similarly situated

candidate and even some of juniors as eligible candidates have been considered for such promotion and they have been given promotion also.”

3. Learned counsel for the petitioner submits that similar order as has been passed in W.P. (S) No. 2666 of 2011 dated 12.08.2011 as contained in Annexure-10 and this petition may be disposed of in the light of the said order. The learned counsel has submitted that pursuant to the said order the petitioners of the said case have already been granted the relief which is apparent from 10 (i) and 10 (ii) of the writ petition.

4. Learned counsel for the respondents submits that matter may be remitted to the Director, Primary Education, respondent No. 2 for consideration.

5. After hearing the learned counsel for the parties and considering the nature of relief sought for by the petitioner, this writ petition is disposed of enabling the petitioner to move the respondent No. 2 by filing a fresh detailed representation along with the writ records within a period of one month from today and a copy of this order. The respondent No. 2 is directed to look into the grievance of the petitioner and pass appropriate reasoned order strictly in accordance with law taking into consideration the various guidelines, norms of the department etc. The reasoned order should be passed within a period of three months from the date of filing of the representation which should also be communicated to the petitioner through speed post at the address which may be provided by the petitioner in the representation itself.

6. It is made clear that this court has not gone into the merits or otherwise of the claim of the petitioner and it will be for the respondent No. 2 to pass appropriate order in accordance with law.