

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3688 of 2014

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1. Umesh Kumar S/O Shri Ramchandra Roy Resident Of Village - Janardanpur, P.S. Kalyanpur, Distt. - Samastipur, At Present Assistant Teacher Primary School Ajana, P.S. Kalyanpur, Distt. - Samastipur
 2. Vijay Kumar Prasad S/O Late Bindeshwari Prasad Resident Of Mohalla - Punjabi Colony, P.S. Samastipur, Distt. - Samastipur, At Present Assistant Teacher Middle School Magardahi, P.S. Samastipur, Distt. - Samastipur
 3. Ram Chandra Ram S/O Shri Ram Nandan Ram Village - Chakzafar, P.S. Kalyanpur, Distt. - Samastipur, At Present Assistant Teacher Upgraded Middle School Bankipur, P.S. Kalyanpur, Distt. Samastipur
 4. Vinod Kumar S/O Sukan Paswan Resident Of Mohalla - Bahadurpur, Ward No.27, Police Station - Samastipur, District - Samastipur, At Present Assistant Teacher Middle School Dudhpura, P.S. Samastipur, Distt. - Samastipur
 5. Rakesh Kumar S/O Babu Lal Roy Resident Of Mohalla - Magardahi Road Ward No.15, P.S. Samastipur, Distt. - Samastipur, At Present Assistant Teacher Upgraded Middle School Saidpur Baluar, P.S. Ujiyarpur, Distt. - Samastipur, Jai Prakash, S/O Late Bishwa Nath Prasad Resident Of Village - Magardahi Road Ward No. 17, P.S. Samastipur, Distt. - Samastipur, At Present Assistant Teacher Primary School Satanpur (Yadav Tola), P.S. Ujiyarpur, Distt. - Samastipur
 6. Jai Prakash S/O Late Bishwanath Prasad Resident Of Village - Magardahi Road Ward No.17, P.S. Samastipur, Distt. - Samastipur, At Present Assistant Teacher Primary School Satanpur (Yadav Tola), P.S. Ujiyarpur, Distt. - Samastipur
 7. Manmohan Chaudhary S/O Late Ramashish Chaudhary Resident Of Village - Bhanpur, P.S. Khanpur, Distt. - Samastipur, At Present Assistant Teacher Upgraded Middle School Katuaha, P.S. Khanpur, Distt. - Samastipur
 8. Arun Kumar S/O Late Mahendra Das Resident Of Village - Latbasepura, P.S. Mushrigharari, Distt. - Samastipur, At Present Assistant Teacher Upgraded Middle School Gohda, P.S. Sarairanjan, Distt. Samastipur
 9. Chandan Kumar S/O Radhe Shyam Jha Resident Of Village - Bathua, P.S. Pusa, Distt. - Samastipur, At Present Assistant Teacher Upgraded Middle School Pahepur, P.S. Samastipur, Distt. - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar Principal Secretary Education Department Government Of Bihar, Patna
2. The Principal Secretary Education Department Government Of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The District Magistrate, Samastipur
5. The District Education Officer, Samastipur
6. The District Programme Officer (Establishment), Samastipur
7. The District Treasury Officer, Samastipur
8. The District Account Officer, Samastipur
9. The Block Education Officer, Kalyanpur, District - Samastipur
10. The Block Education Officer, Samastipur Block District - Samastipur
11. The Block Education Officer, Ujiarpur Block, District Samastipur
12. The Block Education Officer, Khanpur Block, District Samastipur
13. The Block Education Officer, Sarairanjan Block, District - Samastipur
14. All The Headmasters - Cum - Drawing And Disbursing Officer Of The Petitioner'S School, District Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav

For the Respondent/s : Mr. Rakesh Prabhat, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 27-02-2015

27.02.2015

Nine petitioners have filed this writ application for quashing of Annexure-7, dated 17.01.2014, by virtue of which the petitioners apprehend that certain deduction will be made from their salary on the basis of the communication issued by the District Programme Officer (Establishment), Samastipur.

The Court is not required to go into all the details of the argument so made on behalf of the petitioners or the State, keeping in mind a recent notification, issued under the signature of Mr. Suman Kumar Singh, Joint Secretary, Department of Education, Government of Bihar, Patna. This resolution is dated 05.01.2015 and the Resolution No. is 2007-12.

Annexure-7 is quashed. The matter is remanded back to the District Programme Officer (Establishment), Samastipur that taking into consideration the latest resolution, as noted above, a fresh order is required to be passed. Since the new resolution in question has taken note of the two decisions rendered by the Division Benches and

appropriate follow up action for extension of benefits for the two categories of teachers have been indicated therein. Matter requires reconsideration.

Writ application is allowed in terms of above.

(Ajay Kumar Tripathi, J.)

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