

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2024 of 2014

Hasibur Rahman Son Of Late Aasabuddin Resident Of Village Burhi Maari, P.S.
Kocha Dhaman, P.O. Atta Haat District- Kishanganj

..... Petitioner/s

Versus

1. The State Of Bihar Through The Collector, Kishanganj
2. The Joint Secretary, Education Department, New Secretariat, Patna
3. The District Education Officer, Kishanganj
4. The District Programme Officer (Establishment), Kishanganj

..... Respondent/s

Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar
For the Respondent/s : Mr. Binay Kumar Pandey, AC to GA-3

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 07-10-2015

07.10.2015

Heard learned counsel for the parties.

There is very limited issue, which arises for consideration in the present writ application. The issue is what is the date from which the petitioner as an Assistant Teacher would get the benefit of a trained teacher's pay-scale.

Since the respondent authorities, the District Education Officer, Kishanganj has decided to give the benefit of trained scale to the petitioner from 31.01.2011 in terms of Annexure-3, dated 03.06.2011, petitioner is seeking quashing of the same, because such a decision seems to be in teeth of various pronouncements already

made with regard to when and how the benefit of trained pay-scale will accrue to such Matric trained teachers.

This Court also had occasion to deal with some issues relating to grant of pay-scale and while dealing with the same, the Court had privilege of a Division Bench's decision, rendered in the ***Chandrakanta and others Versus State of Bihar and others, reported in 2010 (4) P.L.J.R. 732***. The ratio of the said decision, which has also been discussed in the case of ***Brajesh Kumar reported in 2015 (3) P.L.J.R. 779*** is that those persons who had passed the training examination in the first attempt would be entitled to matric-trained pay-scale w.e.f. 01.10.2003, whereas those persons, who sat in the examination in the year 2007 will get the benefit from the date they participated or sat for the training examination.

If the law is settled in this regard and if there is no dispute that the petitioner sat for the examination in the year 2006-07, the benefit of trained pay-scale will accrue to him not from the date of declaration of the result but from the date of participation in the examination.

The District Education Officer, Kishanganj, therefore, has surely erred in granting to the petitioner the benefit from 31.01.2011, i.e., the date of publication



of the result and not from the date of participation in the examination.

Annexure-3 stands quashed. Writ application is allowed.

Let a fresh order be passed within a period of three months from the date of production / communication of a copy of this Order.

(Ajay Kumar Tripathi, J.)

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