

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.949 of 2013

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Tarkeshwar Prasad S/O Shri Raj Kishore Prasad R/O Village & P.O.-
Dayalpur, Police Station- Janta Bazar, District- Saran 9chapra), At Present
Posted And Working As An Assistatn Teacher In Govt. Upgraded Middle
School Siristapur, Anchal- Lahladpur, District- Saran (Chapra)

.... Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary Education Department, Government Of Bihar,
Patna
3. The Director, Primary Education, Bihar, Patna
4. The District Magistrate, Saran At Chapra
5. The Deputy Development Commissioner-Cum-Chairman District
Education Establishment Committee, Saran At Chapra
6. The Regional Deputy Director Of Education, Saran Division, Chapra
7. The District Education Officer, Saran At Chapra
8. The District Programme Officer (Establishment), Saran At Chapra
9. The District Treasury Officer, Saran At Chapra
10. The District Accounts Officer, Saran At Chapra
11. The Block Education Officer, Lahladpur, District- Saran
12. The Headmaster-Cum-Drawing And Disbursing Officer Of Govt.
Upgraded Middle School Siristapur Anchal- Lahladpur, District- Saran
(Chapra)
13. The Chairman, Bihar Public Service Commission, Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner :Mr. Umesh Kumar Mishra, Advocate

For the Respondents :Mr.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

6 29-10-2015 The petitioner seeks direction for quashing letter no.

630 dated 14.9.2012, issued by the Director, Primary Education,

Bihar, Patna addressed to all the District Education Officer and

all the District Programme Officers wherein it was stated that

only untrained appointees of 1994, 1999 and 2000 would be

entitled to pay in terms of order passed in LPA No. 412 of 2003.

Facts of the case in short are that the petitioner applied

for appointment as elementary teacher pursuant to advertisement in the year 1996 under BC category as he belonged to 'Kanu' caste. In the year 1999, the BPSC recommended his candidature for appointment and was required to again fill up requisite forms. Consequently he filled requisite form on 18.2.1999 stating that he belonged to BC category.

Appointment letter was accordingly issued in the year 2001. He was sent for training in the year 2005-06. He appeared in the training examination held in the year 2007 and passed in 2008. The petitioner is aggrieved by letter dated 14.9.2012 wherein it has been stated that only appointees of 1994, 99 and 2000 would be granted benefit of pay scale in terms of order passed in LPA No. 412 of 2003. In short, the petitioner prays that he should be treated as appointee of 1999 as he was selected for appointment in the year 1999 instead of 2001.

On the other hand, counsel for the State submits that the petitioner did not fill up his form properly and wrongly mentioned that he belongs to BC category, being 'Kanu' by caste, which belongs to 'EBC' category. He further submits that as the petitioner was appointee of 2001, he cannot be given benefit of letter, dated 14.9.2012 of the Director, Primary Education.

In reply, the petitioner submits that he should not suffer for mistakes of respondents in giving him appointment in 2001 instead of 1999.

In my view, petitioner should raise all his points before respondent no.2, the Principal Secretary, Education Department, Government Of Bihar, Patna, who would dispose of the same within three months from the date of receipt of representation, after providing a personal hearing to him, if so requested. The pay scale granted to the petitioner would be subject to the adjudication by respondent no.2.

Shashi.

(Samarendra Pratap Singh, J)

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