

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10045 of 2015

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1. Anil Kumar, Son of Vishwanath Tiwary, Presently Posted at Madhya Vidyalaya, Gochari Para, District- Khagaria. null
 2. Ramanand Kumar, Son of Suryanarayan Prasad Yadav, Presently Posted at Madhya Vidyalaya, Sonamanki, Alauti, District- Khagaria. null
 3. Binod Kumar, Son of Late Chunnilal Singh, Presently posted at Madhya Vidyalaya, Chautha, Gogri, District- Khagaria. null
 4. Virendra Prasad Yadav, Son of Ashiq Lal Yadav, Presently Posted at Madhya Vidyalaya, Mali Baldaur, District- Khagaria. null
 5. Gajendra Prasad Yadav, Son of Ramanand Prasad Yadav, Presently Posted at Madhya Vidyalaya, Ladaura Alauli, District- Khagaria. null
 6. Om Prakash Singh, Son of Vindeshwari Prasad, Presently Posted at Madhya Vidyalaya, HARIjan Tola, Kaithi Chautham, District- Khagaria. null
 7. Amardeo Tiwary, Son of Bisundeo Tiwary, Presently Posted at Madhya Vidyalaya, Sonamanki, Alauli, District- Khagaria. null
 8. Divakar Kumar, Son of Ram Gula Sahani, Presently Posted at Madhya Vidyalaya, Amba Icharua, District- Khagaria. null
 9. Satyendra Sada, Son of Late Tarni Sada, Presently posted at Madhya Vidyalaya, Santosh, Alauli, District- Khagaria. null
 10. Bachhan Deo Kumar Suman, Son of Late Manmohan Pandit, Presently posted at Madhya Vidyalaya, Chandrapura Khurd Alauli, District- Khagaria. null
 11. Harsh Dev Rai, Son of Late Bande Das, Presently posted at Madhya Vidyalaya, Sher, Gori, District- Khagaria. null
 12. Ashwani Kumar, Son of Anil Kumar Gupta, Presently posted at Madhya Vidyalaya, Benhgar, Alauli, District- Khagaria.
 13. Mithlesh Kumar, Son of Shivkant Sharma, Presently posted at Madhya Vidyalaya, Rajdham Gogri, District- Khagaria. null
 14. Nirala Nirmal Kumar Rajak, Son of Late Ramavtar Raj, Presently Posted at Madhya Vidyalaya, Gauchari, District- Khagaria. null
 15. Akhilesh Kumar, Son of Medani Prasad, Presently posted at Kanya Madhya Vidyalaya, Gauchari, District- Khagaria. null
 16. Raman Kumar Raman, Son of Yogendra Paswan, Presently posted at Kanya Madhya Vidyalaya, Gauchari, Gogri, District- Khagaria. null
 17. Shiv Narayan Kumar Rajak, Son of Vishnu Dev Rajak, Presently posted at Madhya Vidyalaya, Gauchari Par Gogri, District- Khagaria.
 18. Sunil Kumar Mandal, Son of Late Bhagwan Das, Presently posted at Madhya Vidyalaya, Dhankheta, Gogri, District- Khagaria.
 19. Bipin Kumar, Son of Late Jhaksu Prasad, Presently posted at Madhya Vidyalaya, Garhmohani Gogri, District- Khagaria.
 20. Ajay Kumar, Son of Late Ramautar Chaudhary, Presently posted at Madhya Vidyalaya, Dhankhara, Alauli, District- Khagaria.
 21. Subhash Kumar, Son of Deependra Paswan, Presently posted at Madhya Vidyalaya, Bharra, Gogri, District- Khagaria.
 22. Shambhu Kumar Yadav, Son of Baleshwar Prasad Yadav, Presently posted at Kanya Madhya Vidyalaya, Rampur, Gogri, District- Khagaria.
 23. Vijay Kumar Nirala, Son of Naresh Prasad, Presently posted at Madhya Vidyalaya, Jamalpur, Gogri, District- Khagaria.
 24. Subodh Paswan, Son of Brahamdev Paswan, Presently posted at



Madhya Vidyalaya, Mungaria Tola, Gogri, District- Khagaria.

25. Sudhir Kumar Keshri, Son of Jagarnath Keshri, Presently posted at Madhya Vidyalaya, Haradyal Nagar, Gogri, District- Khagaria.

26. Kailash Chandra Pandit, Son of Janardan Pandit, Presently posted at Kanya Madhya Vidyalaya, Saidpur, Mansi, District- Khagaria.

27. Girdhari Kumar Navin, Son of Kapil Dev Poddar, Presently posted at Madhya Vidyalaya, Tematha, Kaka Parbatta, District- Khagaria.

28. Jalil Nadaph, Son of Sadiq Nadaph, Presently posted at Madhya Vidyalaya, Islampur Parbatta, District- Khagaria. null

29. Bullan Ji Kumar, Son of Shajanand Chaudhary, Presently posted at Madhya Vidyalaya, Tematha, Raka Parbatta, District- Khagaria.

30. Navin Kumar, Son of Raj Kishore Singh, Presently posted at Madhya Vidyalaya, Mohanpur, Chautham, District- Khagaria.

31. Niranjana Kumar, Son of Late Brahamdeo Prasad, Presently posted at Madhya Vidyalaya, Banni, Gogri, District- Khagaria.

32. Dheeraj Kumar, Son of Late Dinesh Prasad Deepak, Presently posted at Madhya Vidyalaya, Jhamta, Mansi, District- Khagaria.

33. Bharat Sah, Son of Sri Lakshmi Sah, Presently posted at Madhya Vidyalaya, Hiayadpur, Mansi, District- Khagaria.

34. Raj Kumar Singh, Son of Rashid Lal Singh, Presently posted at Madhya Vidyalaya, Mansi Hajipur Awas Board, District- Khagaria.

35. Sarwan Kumar, Son of Madan Mohan Singh, Presently posted at Madhya Vidyalaya, Tribhuwan Tola, District- Khagaria.

36. Rajesh Kumar, Son of Ram Prasad Gupta, Presently posted at Madhya Vidyalaya, Kurban Beldaur, District- Khagaria.

37. Vivekanand Suman, Son of Nageshwar Prasad, Presently posted at Madhya Vidyalaya, Bari Telauth, Chautha, District- Khagaria.

38. Ajay Kumar, Son of Rajendra Pandit, Presently posted at Kanya Madhya Vidyalaya, Kanjari, Beldaur, District- Khagaria.

39. Ajay Kumar, Son of Krishnadev Kumar, Presently posted at Madhya Vidyalaya, Rajajan, Mansi, District- Khagaria.

40. Alok Kumar, Son of Sri Krishna Bhagat, Presently posted at Madhya Vidyalaya, Beldaur, District- Khagaria.

41. Anil Kumar Sah, Son of Nunu Sah, Presently posted at Madhya Vidyalaya, Araiya, Mansi, District- Khagaria.

42. Ravi Kumar, Son of Bindeshwari Paswan, Presently posted at Madhya Vidyalaya, Patala, Samaspur, District- Khagaria.

43. Nitish Bhardwaj, Son of Amir Paswan, Presently posted at Madhya Vidyalaya, Ahuna, Alauli, District- Khagaria.

44. Ratnesh Kumar, Son of Late Shiv Nandan Prasad 'Arun', Presently posted at Madhya Vidyalaya, Maktab Qutubpur, District- Khagaria.

45. Chandan Mauli Ranjan, Son of Ajit Kumar Ranjan, Presently posted at Madhya Vidyalaya, Dhusumuri, Bishnupur, District- Khagaria.

46. Devendra Kumar Singh, Son of Narendra Kumar Singh, Presently posted at Madhya Vidyalaya, Tribhuwan Tola, District- Khagaria.

47. Dilip Kumar, Son of Birendra Thakur, Presently posted at Madhya Vidyalaya, Dighani, Alauli, District- Khagaria.

48. Anjani Kumar, Son of Asarfi Rajaq, Presently posted at Madhya Vidyalaya, Dighani, Alauli, District- Khagaria.

49. Anil Kumar, Son of Jagdish Prasad Singh, Presently posted at Madhya Vidyalaya, Balor, Khagaria, District- Khagaria.

50. Jitendra Kumar, Son of Arjun Prasad Singh, Presently posted at Madhya



Vidyalaya, Balor, Khagaria, District- Khagaria.

51. Vijay Kumar, Son of Bhuneshwar Pandit, Presently posted at Madhya Vidyalaya, Khairadih Purab, Parbatta, Alauli, District- Khagaria.

52. Utpall Kumar Chaudhary, Son of Ramadhin Chaudhary, Presently posted at Madhya Vidyalaya, Kheeradih Purab, Parbatta, District- Khagaria.

53. Mahesh Prasad, Son of Chaudhari Mahato, Presently posted at Madhya Vidyalaya, Budhara, Alauli, District- Khagaria.

54. Ashok Kumar, Son of Satyendra Sahu, Presently posted at Madhya Vidyalaya, Rampur, Alauli, District- Khagaria.

55. Dharmendra Kumar, Son of Sikandra Prasad Singh, Presently posted at Madhya Vidyalaya, Kanahauli, Gogari, District- Khagaria.

56. Suman Kumar Singh, Son of Bandelal Singh, Presently posted at Madhya Vidyalaya, Navtolia, Chautham, District- Khagaria.

57. Laxman Sah, Son of Hakim Sah, Presently posted at Madhya Vidyalaya, Nista, Alauli, District- Khagaria.

58. Mukesh Kumar, Son of Late Sakhichandra Singh, Presently posted at Madhya Vidyalaya, Brahma, Chautham, District- Khagaria.

59. Shailendr Kumar Ram, Son of Punit Ram, Presently posted at Madhya Vidyalaya, Shishwa, Alauli, District- Khagaria. null

60. Binod Kumar Ram, Son of Punit Ram, Presently posted at Madhya Vidyalaya, Roan No.1, Alauli, District- Khagaria.

61. Manoj Kumar Ranjan, Son of Nand Deo Ram, Presently posted at Madhya Vidyalaya, Garhbauni, Alauli, District- Khagaria.

62. Gayanand Rajak, Son of Lakshman Rajak, Presently posted at Madhya Vidyalaya, Gaura Chak, Alauli, District- Khagaria. null

63. Kailas Das, Son of Late Chhotan Das, Presently posted at Madhya Vidyalaya, Keria Parbatta, District- Khagaria.

64. Ajay Kumar, Son of Mani Kant Mishra, Presently posted at Madhya Vidyalaya, Dhankheta, Gogri, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.

2. The Director Primary Education Department, Government of Bihar, Patna.

3. The Reasonal Deputy Director of Education, Munger.

4. The District Magistrate, Khagaria, District- Khagaria.

5. The District Education Officer, Khagaria, District- Khagaria. null null

6. The District Elementary School Teachers Promotion Committee, Khagaria, District- Khagaria.

7. The District Programme Officer (Est.) Khagaria, District- Khagaria.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Verma, Sr. Advocate
Mr. Sanjeev Nikesh

For the Respondent/s : Mr. AC to AAG12

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

2 14-12-2015 The petitioners are all Assistant Teachers appointed on compassionate ground under Bihar Elementary School Teachers Appointment Rules, 1991 in the year 1999-2000. They were sent for their in training service. They appeared in the teachers training examination conducted in the year 2004, result of which was published in June, 2005. They were all successful in their first attempt. In view of the decision in the case of Chandra Kant & Ors v. State of Bihar & Ors, reported in 2010(4) PLJR 732, the State Government came out with a resolution issued under memo no.790, dated 29.7.2011, whereby matric trained scale were granted to the Assistant teachers having higher qualification and one who have passed the training examination in first attempt. However, the teachers passing teachers training examination in second attempt were granted matric trained scale from the date when they appeared in the examination. The dispute is with respect to implementation of matric trained scale from a given date.

In the meantime, some of the teachers who passed the training examination in second attempt and had not got the benefit of resolution dated 29.7.2011 moved this Court in C.W.J.C. No.13734 of 2012 and analogous cases which was disposed of by this Court by order dated 30.1.2013. This Court held that the benefit of Chandra Kant case would be admissible to only such



Assistant teachers who were appointed on compassionate ground in the year 1994-96 and would not be available to teachers passing out in the year 1999-2000. Against the order dated 30.1.2013 passed in C.W.J.C. No.13734 of 2012, a review petition bearing Civil Review No.301 of 2013 & analogous cases were filed which too was dismissed. In view of the order dated 30.1.2013 passed in C.W.J.C. No.13734 of 2012, the State Government issued letter No.3789, dated 19.12.2013 denying benefit of Chandra Kant Case to the appointees of 1999-2000.

Being aggrieved, some of the petitioners filed appeal giving rise to L.P.A. No.1459 of 2013 & analogous cases. The order of this Court was modified by the Division Bench by order dated 3.1.2014 as contained in Annexure-7. The Division Bench observed that the benefit of Chandra Kant Case would also be applicable to appointees of 1999-2000 under 1991, Rules provided they pass in service training examination in first attempt in June, 2005. However, benefit would not be applicable to Assistant teachers who may have been appointed up to the year 2005 but passed the in training service examination after June, 2005.

In terms of the direction of the Division Bench, the petitioners have filed their representation, dated 9.1.2014 (Annexure-8) for grant of matric trained scale w.e.f. 2003 or any

suitable date as observed in Chandra Kant case.

It goes without saying that the grievance of the petitioners as contained in Annexure-8 is to be settled in terms of the direction of the Division Bench of this Court. It is expected that the representation of the petitioners would be duly considered within a period of three months from the date of receipt/production of a copy of this order.

With the aforesaid observations and directions, this writ application stands disposed of.

(Samarendra Pratap Singh, J)

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