

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3098 of 2015

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1. Umesh Singh son of Late Kapildeo Singh resident of Village- Chak Fateh, post- Kajri Bujurg, P.S. Jandaha, District Vaishali.
 2. Pankaj Kumar Son of Late Haridwar Singh, resident of Village- Akhityarpur Paterha, Post Ahtiyarpur Paterha, P.S.- Sarai, District- Vaishali
 3. Harinandan Prasad Singh son of Shri Gulab Singh, resident of Village- Rupsipur, Post- Jandaha, P.S.-Jandaha, District- Vaishali,
 4. Rajendra Choudhary son of Shri Jageshwar Choudhary, resident of Village - Kajari Bujurg, Post- Mukundpur Math, P.S. Jandaha, District- Vaishali.
 5. Lal Babu Bhakt son of Shri Ram Khelwan Bhakt, Resident of village- Bihwarpur, Post Madhurapur, P.S. Bidhupur, District Vaishali,
 6. Sanjay Kumar Singh son of Shri Thakur Rajendra Singh, resident of Village - Kharika, Post- Deshri, Anchal and P.S. Bidhupur, District- Vaishali,
 7. Babban Das son of Shri Dukhan Das , Resident of Village- Rampur- Nausahan, Post- Hajipur, P.S. Industrial Area Hajipur, District Vaishali,
 8. Subhash Choudhary son Late Babulal Choudhary, resident of Village- Arania, Post-Jandaha, P.S. Jandaha, District- Vaishali,
 9. Md. Jainul Abedin, son of Late Md. Sattar, resident of Village-Wajitpur, Post-Wajitpur Saidat, district- Vaishali
 10. Ajit Kumar Singh Son of Sri Yadubir Singh, Resident of village- Hasanpur, Post-Hasanpur Gurd, P.S. And Blokc- Mahnar, District Vaishali,
 11. Badri Prasad Gupta, Son of Shri Jag Narayan Gupta, Resident of Village- Hathsarganj, Post- Hajipur, P.S. And District- Hajipur,
 12. Ganesh Ram son of Shri Pyare Ram, Resident of Village and Post- Lawapur Narayan, Mahnar, District- Vaishali
 13. Garib Nath Choudhary son of Late Bhola Choudhary, resident of Village and Post- Adalpur, P.S.Jandaha, District- Vaishali,
 14. Ranjit Kumar Choudhary son of late Parmeshwar Choudhary, resident of Village and Post - Salaha, P.S.- Jandaha, District - Vaishali.
 15. Ganesh Kumar. Son of Late Ram Lakhan Singh. Resident of village - Dumari Chak, Post - Bakhari, P.S.- Rajapakar, District - Vaishali.
 16. Pradeep Kuma son of Late Mauji Lal Bhagat. Resident of Village - Alawalpur, Post - Dharhara, District - Vaishali.
 17. Manju Kumari daughter of Sri Ramishwqar Rai. Resident of village - Karnpura, Post - Jathuwa, P.S.- Gangabridge, District - Vaishali.
 18. Shobha daughter of Sri Satyanarayan Thakur. Resident of Mohalla - Wagmali, P.S.- Hajipur Town, District- Vaishali.
 19. Surendra Prasad Singh son of Sri Raj Narayan Singh. Resident of village - Sheoganj, Post - Bidupur, P.S.- Rajapakar, District- Vaishali
 20. Satyendra Kumar Singh son of Late Krishna Ballabh Singh. Resident of village - Raudipokhar, Post - Bhataro, P.S.- Lalganj, District- Vaishali.
 21. Sanjay Kumar son of Sri Baleshwar Bhakt. Resident of village - Pachiskurwa, P.S.- Hajipur, P.S.- Hajipur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary, Department of Education, Government of Bihar, Patna.
3. Joint Secretary, Government of Bihar, Department of Education, Patna.

4. The Director Primary Education, Government of Bihar, Patna, and
5. The District Programme Officer (Establishment) of Vaishali District, District - Vaishali.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Tej Bahadur Singh, Sr. Advocate
Mrs. Shashi Priya Pathak

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

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 18-05-2015

This Court is not willing to interfere with the notification dated 5.1.2015 in any form and content, which is the subject matter of challenge in the present writ application.

2. Petitioners want quashing of some of the clauses of Annexure-5 on the ground that they had appeared in the training examination in the year 2004 but had failed. They have ultimately passed the training examination when they appeared in the second examination held in 2007. The circular taking into consideration two previous Division Bench decisions has clearly laid down that only those teachers would be entitled to matric trained scale, who have passed 2004 examination in toto, from 1.10.2003 and those who have passed the said examination conducted in the year 2007 from 31.7.2007. Since petitioners have passed the examination held in the year 2007, their passing cannot co-relate back to 2004 on mere attempt at the examination held in the year 2004. Such teachers will

have to be given benefit from 31.7.2007. If they have derived any benefit of a pay-scale prior to that period, recovery will have to be effected subject to the final outcome of the review petition.

3. Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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