

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No 1905 of 2016

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1. Jagdeo Bhindwar S/o Late Ramnarayan Bhindwar R/o At + P.O. - Suggapatti, P.S. - Phulparas, District - Madhubani, Presently posted as Assistant Teacher in Govt. Sanskrit High School, Ara, District - Ara.

.... Petitioner/s

Versus

1. The Chief Secretary, Govt. of Bihar, Old Secretariat, District - Patna, Namely Mr. Anjani Kumar Singh, I.A.S.
2. The Personnel & Administrative Reforms Department, Bihar, Patna, namely, Mr Amir Subhani, IAS
3. The Principal Secretary, Department of Education, Government of Bihar, Vikas Bhawan, Patna , Namely D.S. Gangwar, I.A.S.
4. The Director, Secondary Education Government of Bihar, Vikas Bhawan, Patna, namely, Mr Rajeev Prasad Singh Ranjan, IAS.
5. The Director Administration, Government of Bihar, Vikas Bhawan, Patna, namely, Mr Sushil Kumar, IAS
6. The Assistant Director of Education (Sanskrit), Government of Bihar, Patna, namely, Smt Urmila Kumari

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Avanindra Kumar Jha
For the Respondent/s : Mr.

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 21-09-2016

The petitioner was a Member of the Bihar Subordinate Education Service. State had taken a decision to merge this cadre with the Bihar Education Cadre Class II with effect from 01.01.1977. However, it is not in dispute that so far as petitioner is concerned, the migration or merger took place with effect from 15.09.1994. Petitioner does not contest the position.

2 The grievance of the petitioner was that even though the

merger had taken place as no posting was made, he was not being paid his salary. His second grievance was that upon merger of two cadres, the gradation list was not being made, the result of which was that persons, much junior to the petitioner, had been given postings at much higher post than the post of the petitioner.

3 A show cause has been filed by the State which is not on record. Registry to find and tag it with the record. We had taken the copy of the show cause from the petitioner and the State and perused the same.

4 In the show cause, it is stated that so far as petitioner's merger is concerned, it is with effect from 15.09.1994 which the petitioner has not denied. So far as salary is concerned, it has been stated that now the petitioner would be entitled to salary as per the cadre of Bihar Education Service Class II and arrears in this respect of all persons has been worked out and efforts are being made to pay the same.

5 From this, one thing is clear that it is wrong to say that petitioner was not getting any salary. Petitioner was receiving salary as per Bihar Subordinate Education Service. It is upon difference of salary to which he was entitled with effect from the date of merger. So far as posting is concerned, petitioner is not again wholly correct. He has been posted and continuing on the post which was originally under the Bihar Subordinate Education Service. He wants a fresh posting. That would be a matter looked into by the respondent-State.

His last grievance is with regard to the gradation list. As per the show cause itself, the gradation list has been finalized but has not been notified as yet. Petitioner's assertion in this regard is that if the gradation list is published, he would be much senior to various other persons who have been given much senior responsibility ignoring petitioner.

6 Be that as it may, in view of the show cause filed, we would direct the State to conclude the matters expeditiously. The arrears of salary, which are long overdue (overdue for almost 20 years), must be paid within one month from today. The gradation list, which is ready for final; publication, objections already having been received and considered, must be published within 15 days. Consequential actions, in respect of posting of petitioner commensurate to his seniority, would be taken by the State within one month. The responsibility of these would be on the Director (Administration), Department of Secondary Education, Government of Bihar.

7 With these observations, this application stands disposed of.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

M.E.H./-

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