

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9898 of 2013

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Sunil Kumar Jha Son Of Late Indranand Jha Permanent Resident Of Village + P.O. And Police Station- Dhamdaha, District- Purnea, At Present Resident Of Nawratan Hata, Police Station- Khajanchi Hat, District And Town- Purnea, At Present Assistant Teacher In Project Girls High School Jokihat, Police Station- Jokihat, District- Araria

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Education Department, Government Of Bihar, Patna
2. The Director, Secondary Education, Education Department, Govt. Of Bihar, Patna
3. The District Education Officer, Araria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Adv.

For the Respondent/s : Mr. Prabhat Kumar, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 04-08-2016

Heard learned counsel for the petitioner and counsel for the respondents.

In this case, a claim has been made by the petitioner that he should be treated to have been absorbed in the service from 1.1.1989. The petitioner has also claimed that he should be deemed to have been absorbed from the date the school was selected for the project school and also prays that he should be considered for payment of salary with effect from 1.1.1989.

Learned counsel for the petitioner has submitted that as per the government decision, the Sahityacharya has been treated at par with trained graduate. In such a situation, giving untrained scale to the petitioner is completely dehors to its own decision and so much so that as per the

policy decision of the State Government with respect to declaring any school as a project school, the teaching employees, who are working there, would be entitled to salary from 1.1.1989 whereas the petitioner has been given pay-scale with effect from 25.1.2000 which is contrary to the decision taken by the State Government by way of policy. Learned counsel for the petitioner in support of his claim has also placed reliance on the judgment of this Court in the case of C.W.J.C. No. 21970 of 2012 disposed of on 22.5.2015 and C.W.J.C. No. 7060 of 2011 disposed of on 13.7.2016.

Let the petitioner file a detailed representation to the Director, Secondary Education who will examine the case of the petitioner and take a decision by passing a reasoned order after affording an opportunity of hearing to the petitioner within a period of three months from the date of filing of the representation along with a copy of this order.

While passing a reasoned order, the Director, Secondary Education will be obliged to consider the case of all other persons who have been given identical benefit and shall take a decision in accordance with law.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
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