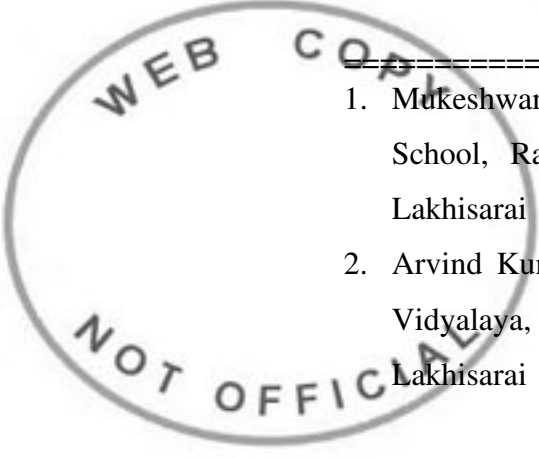


IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.337 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 2226 of 2012

- 
1. Mukeshwar Yadav, S/o Sri Banwari Yadav, Panchayat Teacher, Primary School, Rampur Tarh, Gram Panchayat- Itaun, Block- Chanan, District- Lakhisarai
 2. Arvind Kumar, S/o Late Tuklal Prasad Yadav, Panchayat Teacher, Prathmik Vidyalaya, Rampur, Gram Panchayat- Itaun, Block- Chanan, District- Lakhisarai

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
3. The Director, Primary School, Human Resources Development Department, Govt. of Bihar, Patna
4. The District Teacher Employment Appellate Authority, District- Lakhisarai through its Chairman
5. The Member, Teacher Employment Appellate Authority, District- Lakhisarai
6. The District Superintendent of Education, Lakhisarai
7. The Block Development Officer, Block- Chanan, District- Lakhisarai
8. The Block Education Extension Officer, Block- Chanan, Distt.- Lakhisarai
9. The Mukhiya, Gram Panchayat Raj- Itaun, Block- Chanan, District- Lakhisarai
10. The Panchayat Secretary, Gram Panchayat Raj- Itaun, Block- Chanan, District- Lakhisarai
11. Saurabh Kumar, S/o Satya Narayan Ram, Resident of Village- Tahadun, P.O. Dumari, District- Lakhisarai
12. Sarojiani Kumar, D/o Sri Rajendra Prasad, Resident of Village- Laxmipur, P.O. Kawadpur, District- Lakhisarai
13. Ganesh Rajak, S/o Vishnudeo Rajak, Resident of Village- Mananpur Basti, Block- Chanan, District- Lakhisarai
14. Kiran Kumari, D/o- Kamleshwari Paswan, Panchayat Teacher, Harizan Tola Gram Panchayat- Itaun, Block- Chanan, District- Lakhisarai.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rajendra Prasad Singh, Sr. Advocate.
Mr. Rajeev Kumar Singh, Advocate.
Mr. Rajesh Kumar Singh, Advocate.

For the Respondent/s : Mr. Manoj Kumar Ambastha, S.C. 26
Mr. Subodh Kumar, A.C. to S.C. 26

For Private Respondent No.11 : Mr. Lalan Kumar, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 20-09-2016

Heard learned counsel for the parties.

2. The short grievance of the appellants before this Court in the present Letters Patent Appeal, directed against an order dated 18th of November, 2013 passed by the learned Single Bench of this Court in C.W.J.C. No. 2226 of 2012 is that the appellants are not being paid increments after taking into consideration their initial appointment as Panchayat Teacher on 14th of August, 2010.

3. It appears that the appellants were appointment as Panchayat Teachers in Gram Panchayat Raj, Itaun in the district of Lakhisarai. Such appointment became subject matter of challenge before the District Teachers Appointment Appellate Authority, Lakhisarai. It was vide order dated 14th of December, 2011, the appointment of the Panchayat Teachers including the appellants was

set aside and the process of appointment was ordered to be carried out again in view of the roster applicable to the said Panchayat. In the revised selection process, the appellants have been selected and appointed as Panchayat Teacher and re-joined.

4. Grievance of the appellants is that though the learned Single Bench in the impugned order has observed that the appellants would be entitled to continued seniority on the basis of their earlier appointment but the respondents are not granting increments for the period for which the appellants have worked prior to setting aside of their selection. The relevant extract from the order reads as under:-

“At the same time this Court would also protect the right of such of the petitioners and Saurav Kumar (respondent no. 11), who ultimately if again get selected and appointed on the basis of the direction given by the Tribunal and in their cases it is hereby directed that they will be entitled for their continued seniority on the basis of their earlier appointment.”

5. We find that the claim of the appellants of increments for the period they have worked prior to their termination is meritorious.

6. The appointment of the appellants was set aside only for the reason that the roster was not followed in correct perspective. Once the appellants have been selected again, then they should not be deprived of the increments for the period they have already worked

under the original selection.

7. Consequently, the present Letters Patent Appeal is allowed. The respondents are directed to pay increments to the appellants for the period they have worked prior to termination of their services. The period between the date of termination of services and their re-joining be treated as leave of the kind due.

8. With the aforesaid modification in the order passed by the learned Single Bench, the Letters Patent Appeal is allowed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P.
A.F.R.

U			
---	--	--	--