

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.7231 of 2013**

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Tasauwar Husain Son of Late Akhtar Husain, resident of mohalla- Nai Bazar, P.S.-  
Bhagwan Bazar, District- Saran (Chapra), at present Teacher, Urdu Primary School,  
Mirchaiya Tola, Chapra Town, Chapra.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government Of Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
3. The Director, Primary Education cum Member Grievance Redressal Committee, Bihar, Patna
4. The Regional Deputy, Director of Education, Saran Division, Chapra
5. The District Programme Officer, Establishment, Chapra
6. The Area Education Officer, Chapra.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : M/s Gyan Prakash and Sharwan Kumar, Advs.

For the Respondent/s : Mr. Sanjeev Kumar Singh, AC to SC-12

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 28-01-2016**

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

In this case, the petitioner is seeking B.Sc. pay scale  
(Grade IV) with effect from 27/1/1991 and further claim has been  
made of the pay scale of Grade-VII which is the pay scale of the Head  
Master with effect from 27/1/1997.

Some facts are not in dispute that the petitioner has  
joined the service in the year 1976 as an Assistant Teacher and at the  
time of his joining, he had Matric qualification, got the training during

his service period. Later on, after the permission of the authority concerned, he acquired the qualification of Graduate in the year 1989 and similarly, acquired the qualification of M.A. in the year 1991. He was granted Matric Trained Scale on 27/1/1984.

As per the claim of the petitioner, after completion of eight years of matric trained scale, he is entitled to the pay scale of Grade-IV i.e. B.A. Trained Scale and later on, on completion of five years, the petitioner is entitled to the pay scale of the Head Master i.e. Grade-VII pay scale with effect from 27/1/1997. As has been claimed by the petitioner, certain persons who are juniors to him, have been granted that benefit but he has been deprived of the same. In support of his submission, he placed reliance to Annexure 7 series giving the names, claiming that some juniors to him, have been given the benefit of B.A. Trained Scale (Grade IV) and pay scale of the Head Master i.e. Grade VII but wrongly and without any rhyme and reason, he has been deprived of the same.

The petitioner has filed representation dated 2/2/2011 (Annexure-10) and representation dated 10/4/2012 (Annexure 11) which are still pending before the authority concerned.

As no counter affidavit has been filed by the State and the matter is pending since long period, the respondents have to take final decision. This Court in Full Bench in (2009) 3 PLJR 384 (Ram

Nath Prasad Singh vs. State of Bihar) has issued certain direction, in what manner, the promotion has to be given and issued certain direction to take appropriate steps for granting the promotion of the employees concerned.

In such view of the matter, this Court directs the respondents to consider the representation of the petitioner within a period of two months from the date of receipt/production of a copy of this order. If respondents arrive to conclusion contention of the petitioner is correct, it goes without saying that they should take action in accordance with law and give the relief in accordance with law.

Accordingly, this petition is disposed of.

**(Shivaji Pandey, J)**

Mahesh/-

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