

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.460 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 8057 of 2012

=====

Binod Kumar Son Of Sri Satya Narayan Singh Resident Of Village/ Mohalla-
Alauli, P.S- Khagaria, District- Khagaria.

.... Appellant/s

Versus

1. The State Of Bihar
2. The Director (Secondary Education), Department Of Human Resources,
Government Of Bihar, Patna.
3. The District Superintendent Of Education, Khagaria.
4. The District Programme Officer, Khagaria.
5. The Area Education Officer, Khagaria.

.... Respondent/s

=====

Appearance :

For the Appellant	:	Mr. Binoy Kumar Singh, Advocate
For the State	:	Mr. M. N. H. Khan, SC 1 with Mr. Md. Irshad, AC to SC 1

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 19-08-2016

The present Letters Patent Appeal is directed against an order passed by the learned Single Bench on 26th June, 2013 in CWJC No.8057 of 2012, whereby the appellant has not been found entitled for Graduate trained scale of pay for the reason that the certificate of *Sahitya Alankar* is not recognized as equivalent to a degree in Graduation.

It is not disputed that the appellant on the basis of the certificate of *Sahitya Alankar* has done Post Graduate and also obtained Ph.D degree. The issue, whether obtaining of higher

degrees of Post Graduate and Ph.D will entitle a teacher Graduate trained scale of pay, has been examined by a Division Bench of this Court in Letters Patent Appeal No.11 of 2014 (Dr. Amresh Thakur Vs. The State of Bihar & Ors.) decided on 27th January, 2016. This Court has held that if a candidate, who has obtained a doctorate degree from a recognized University of Bihar, then he cannot be denied the benefit of Graduate trained scale of pay.

In view of the aforesaid decision, which is squarely applicable to the facts of the present case, we find that the order of learned Single Bench is not sustainable. Consequently, the appeal is allowed in the same terms as L.P.A. No.11 of 2014. The appellant will be entitled for grant of Graduate trained scale of pay from the date his immediate junior was granted such pay scale. Necessary consequential benefits be released to the appellant within six months from today.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/P. Kumar

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.08.2016
Transmission Date	N/A