

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4184 of 2013

In

Civil Writ Jurisdiction Case No. 14664 of 2012

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Shambhu Pandit S/O Late Chandra Bhkar, Assistant Teacher, Primary
School Rampur Kashi, Kudhani, Dist- Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar through Amarjeet Sinha, the Principle Secretary,
Human Resources Development Department, Govt. of Bihar, Patna
2. Ajay Chaudhary, the Director Primary Education, Govt. of Bihar, Patna
3. Chandra Shekhar Singh, the Regional Deputy Director of Education,
Tirhut Division, Muzaffarpur, Dist - Muzaffarpur
4. Anupam Kumar, the District Magistrate, Muzaffarpur, Dist-
Muzaffarpur
5. Krishna Kumar Sharma, the District Education Officer, Muzaffarpur
Dist - Muzaffarpur
6. Abdul Shalam Ansari, the District Program Officer, (Establishment),
Dist - Muzaffarpur
7. Braj Bhushan Mishra, the Head Master Cum Block Drawing and
Disbursing Officer, Rajkiya Madhaya Vidhyalay, Dariyapur Kaphen,
Kudhani, Dist - Muzaffarpur

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Respondent/s : Mr. Prashant Pratap

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**

ORAL ORDER

3 20-04-2016 The instant application is filed for initiating contempt
against the opposite parties for non-compliance of order, dated
30.01.2013, passed in a batch of writ application, bearing CWJC
No. 14664 of 2012, heard analogous with other cases. The case of
the petitioner has been considered at page 42 of the brief. The
relevant portion is quoted herein below:

“The sole petitioner of C.W.J.C. No.14664 of
2012 is appointee of the year 1998, as such his



case would not fall within the purview of the decisions rendered in Chandra Kant case (supra) and as such the prayer for grant of Matric trained scale with effect from 01.10.2003 too is declined for similar reasons as given in case of appointees of 1999 and onwards. As such, as per resolution dated 29.07.2011, he would get Matric trained scale from the date he passed the training examination in 1st attempt or from the date of appearing in the examination, if he passed the same in 2nd attempt.”

It thus appears that this Court has observed that the petitioner would be entitled to Matric Trained scale from the date he passed the training examination.

Counsel for the State submits that the petitioner had filed an appeal, bearing LPA No. 86 of 2014, against the order in question, which was subsequently withdrawn on 11.08.2015. The petitioner has not disclosed all these facts.

Counsel for the petitioner submits that he passed the examination in supplementary examination in the first attempt and as such he would be entitled to Matric Trained scale from the year 2003.

The matter is one of interpretation, which this Court

would not go into in this contempt application.

In this view of the matter, the contempt application is disposed of with liberty to the petitioner to take resort to remedy available under the lay.

(Samarendra Pratap Singh, J.)

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