

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13217 of 2008

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Ram Pravesh Thakur, Son of Shri Binda Prasad Thakur, Resident of Village- Nandani, P.O. Shivai Singhpur, Police Station- Mohiuddi Nagar, District- Samastipur, at present posted and working as an Assistant Teacher in Govt. Middle School- Nandani, Anchal- Mohiuddi Nagar, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Deputy Secretary Finance (Pay Fixation) Department, Government of Bihar, Patna.
5. The Director, Primary Education, Bihar, Patna.
6. The Regional Deputy Director of Education, Darbhanga Division, Darbhanga.
7. The District Superintendent of Education, Samastipur.
8. The District Magistrate, Samastipur.
9. The Deputy Development Commissioner-cum-Chairman, District Education Establishment Committee, Samastipur.
10. The District Treasury Officer, Samastipur.
11. The District Accounts Officer, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the State : Mr. Dhurjati Kumar Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 27-02-2017

Heard learned counsel for the petitioner and the State.

The petitioner has moved the Court for the following

reliefs:

i) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider the petitioner as a trained teacher from initial date of appointment on the ground that the petitioner has passed Bachelor in Physical Education in the year 1985 of one year regular course from Amrawat university, Maharashtra with first division prior to his appointment.

ii) For issuance of an appropriate writ



in the nature of mandamus for commanding and directing the respondent authorities concerned to consider the case of the petitioner as trained from his initial date of appointment and provide him matric trained pay scale even during Govt. Basic teacher's training in between April, 1998 to May, 1999, in which he has also undergone for one year in service training course as per the direction of the respondent authorities concerned.

iii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to grant him matric trained pay scale on the basis of his Bachelor in Physical Education degree instead of only higher qualification by which he has been given at least matric trained pay scale.

iv) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to pay the differences of matric trained pay scale and matric untrained pay scale.

v) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner will be found entitled in the fact and circumstances of the case."

Learned counsel for the petitioner submitted that he had a higher qualification i.e., Graduate at the time of his appointment and thus, is entitled to higher pay scale and further he has completed in service training which has also made him eligible for such pay scale. He submitted that though he is getting the higher pay scale from 1999, but he is entitled from the initial date of appointment i.e., 1994.



A counter affidavit has been filed on behalf of respondent no. 7 after service of copy on learned counsel for the petitioner on 06.09.2010. No rejoinder to the same has been filed.

Learned counsel for the State, on the basis of the averments made in the counter affidavit, submitted that the petitioner did not possess training as a Graduate teacher and the same was pre-requisite for granting him the trained scale as per the circulars of the State Government dated 29.11.1980 and 17.02.1981. It was further submitted that the requirement was that a person, even though possessing a higher degree would not get the Matric trained scale until he is trained. Learned counsel submitted that in such view of the matter, the petitioner having granted the scale from 1999, cannot be faulted.

Having considered the rival submissions and the facts and circumstances of the case, this Court does not find any ground to interfere in the matter and is of the opinion that the petitioner has got what was due to him.

Accordingly, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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