

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19377 of 2016

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Gita Kumari, D/o Ram Chandra Rajak, Resident of Village-Mahsaura, P.S.-
Lakhisarai (Ramgarh), District-Lakhisarai

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Human Resources
Department, New Secretariat Building, Patna
2. Director Primary Education Govt. of Bihar, New Secretariat Building, Patna
3. District Education Officer, Lakhisarai
4. The District Programme Officer, Lakhisarai

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Binoy Kumar Singh, Advocate
For the State	:	Mr. Kameshwar Kumar- GP17, Mr. Amit Bhushan, A.C. to G.P. 17

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 25-01-2017

Heard Parties.

It is submitted that the petitioner was intermediate trained at the time of joining after her appointment vide Annexure 1 in the year 1988. The petitioner has stated that she is getting matric trained senior scale. She claims to have passed Sahitya Alankar Examination from Hindi Vidyapith Deoghar in the year 1992 with the permission of the department. Thereafter, the petitioner passed Master of Arts (M.A.) and was awarded such degree by the Nalanda Open University.

The respondent no.3 has prepared a gradation list of graduate trained teacher but the name of the petitioner does not appear



in such gradation list. The list has been brought on record as Annexure 4 along with the supplementary affidavit. It is stated in Annexure 4 that the concerned Committee has decided that the persons having citation of Sahitya Alankar or equivalent, have not been included in the list, however, their cases can be considered in future for maintaining their sonority if certain orders are passed by the High Court in future.

A Division Bench of this Court has considered such issue in **L.P.A. No.11 of 2014 (Dr. Amresh Thakur Versus the State of Bihar & Ors.)**. In the aforesaid case, graduate trained scale was denied to the appellant on the ground of obtaining the citation of Sahitya Alankar from Hindi Vidyapeeth, Deoghar in the year 1999 though the appellant had completed his Master of Arts from Nalanda Open University and, thereafter, had got his Ph D degree also from Lalit Naryan Mithila University in the year 2010. The Division Bench has held that if higher degree of Post Graduate or doctorate degree from the recognized University has already been awarded to the petitioner then it cannot be held or presumed that on the basis of Sahitya Alankar degree obtained from Hindi Vidyapeeth, Deoghar, such person cannot be granted graduate trained scale as that would be a mockery. The Division Bench ultimately held that since the petitioner was having higher qualification of M.A. from the recognized University, he cannot be ignored in granting graduate



trained scale. Similar line of subsequent decisions are also available in **L.P.A. No.460 of 2014 (Binod Kumar Versus The State of Bihar & Ors.)**, **L.P.A. No.1027 of 2014 (Ghanshyam Prasad Singh Versus The State of Bihar & Ors.)**.

Accordingly, this writ application also stands disposed of with a direction to the respondent authority to consider the petitioner's case for induction in the gradation list maintaining the proper seniority of the petitioner after grant of Graduate Trained scale if that has been denied only on the ground of citation of Sahitya Alankar. The aforesaid exercise should be completed within a period of two months from the date of receipt/production of a copy of this order.

Sanjay-II/-

(Dr. Ravi Ranjan, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.04.2017
Transmission Date	NA

