

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22249 of 2011

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Braj Kishore Kumar S/O Late Ram Sewak Kunwar R/O Village & P.O.-
Pirhauri, Police Station- Teghara, District- Begusarai, At Present Posted
And Working As An Assistant Teacher In Govt. Upgraded Middle School -
Andharpur, Anchal- Teghara, District- Begusarai Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary Human Resources Development Department,
Government Of Bihar, Patna
3. The Principal Secretary Finance Department, Govt. Of Bihar, Patna
4. The Deputy Secretary Finance (Pay Fixation) Department, Government
Of Bihar, Patna
5. The Director, Primary Education, Bihar, Patna
6. The District Magistrate, Begusarai
7. The Deputy Development Commissioner-Cum-Chairman District
Education Establishment Committee, Begusarai
8. The District Superintendent Of Education, Munger
9. The District Superintendent Of Education, Begusarai
10. The District Treasury Officer, Begusarai
11. The District Accounts Officer, Begusarai Null Null
12. The Headmaster Cum Drawing And Disbursing Officer Govt. Upgraded
Middle School- Adharpur, Anchal- Teghara, District- Begusarai
13. District Programme Officer (Establishment), Begusarai.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Respondent/s : Mr. Kamal Deo Sharma, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 31-08-2017 Learned counsel for the petitioner is permitted to make

a necessary correction in the designation of the respondent no.5, in

course of the day.

In the present writ application, the petitioner has sought
for the following reliefs:-

1. For issuance of an appropriate writ in the

nature of mandamus for commanding and

directing the respondent authorities

concerned to treat the petitioner as having



been appointed on regular basis with effect from 16.10.1973 instead of 10.12.1974 in matric trained pay scale.

2. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to treat the services of the petitioner since 16.10.1973 to 09.12.1974 i.e. stipendiary period as regular basis for its consequential benefits to reckon (for counting) his seniority and other monetary benefits with effect from the respective date of the aforesaid stipendiary period i.e. 16.10.1973 treating the same as regular service rendered by the petitioner on the same post of matric trained pay scale.
3. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to revise the pay scale of the petitioner from the date of his joining on stipendiary basis i.e. 16.10.1973 with its differences of salary of stipendiary and



matric trained pay scale.

4. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to dispose of the representation of the petitioner by a reasoned and speaking order, which has been filed by the petitioner before the District Superintendent of Education, Begusarai, in the light of the order dated 01.05.1995 passed in C.W.J.C. No. 3633 of 1994 (Yogendra Raut versus the State of Bihar and others) and order dated 02.07.2009 passed in C.W.J.C. No. 13615 of 2001 (Indradeo Sharma and others versus the State of Bihar and others) passed by this Hon'ble High Court.

It has further been submitted on behalf of the petitioner that the issue relating to the present case has already been decided in the case of *Yogendra Raut Vs. the State of Bihar and others* (in C.W.J.C. No. 3633 of 1994) dated 01.05.1995. Similar order has also been passed in C.W.J.C. No. 13615 of 2001 dated 02.07.2009. It has further been submitted on behalf of the



petitioner that since other similarly situated State Government's employees have already been granted benefits, as claimed by the petitioner. Thus, the petitioner is also entitled for the same, as per the Bihar State Litigation Policy.

The petitioner is directed to make a representation before the Director, Primary Education, Bihar, Patna, bringing all the relevant facts on record within a period of 60 days. The Director, Primary Education, Bihar, Patna shall pass a reasoned order, in accordance with law, within a period of five months from the date of filing of such representation.

With the aforesaid observation and direction, the present application stands disposed of.

(Sudhir Singh, J)

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