

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4753 of 2018**

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1. Md. Aftab Alam, Son of Late Md. Hanif, Resident of Village- Lakhanipur, Post Office+Police Station- Paharpur, District- East Champaran at Motihari. at present Mohalla- Belwana, Ward No.22, Police Station- Motihari (Town) District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Middle School Agrawa (Urdu), Block- Motihari (Town), District- East Champaran at Motihari.
2. Mokhtar Prasad, Son of Shri Anup Bhagat, Resident of Village- Dhekahan Bisunpur, Post Office- Dhekahan Bazar, Police Station- Pipra Kothi, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Khairi Jagir Girls, Block- Chakia, District- East Champaran at Motihari.
3. Dharmendra Kr. Mishra, Son of Shri Dhruva Narayan Mishra, Resident of Village- Gola Pakariya, Post Office- Majirwa, Block- Ghorasahan, District- East Champaran at Motihari. at present Naga Road, Ward No.23, Raxaul, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Noneya Dih, (Urdu), Block- Raxaul, District- East Champaran at Motihari.
4. Rakesh Kumar, Son of Late Surendra Prasad, Resident of Village- Pach Pokhariya, Police Station- Mahuja, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Shree Mahavir Govt. Middle School Lauthaha, Block- Motihari (Town), District- East Champaran at Motihari.
5. Hridayesh Kumar, Son of Shri Gauri Shankar Prasad, Resident of Village- Kali Nagari Raxaul, Police Station- Raxaul, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Hardiya, Raxaul, Block- Raxaul, District- East Champaran at Motihari.
6. Ajit Kumar Singh, Son of Jay Mangal Singh, Resident of Village- Bhaghwatia, Police Station- Kesaria, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Dilman Chhapra, Block- Kotwa, District- East Champaran at Motihari.
7. Mohan Baitha, Son of Late Hardeo Baitha, Resident of Village- Bhopatpur, Police Station- Kotwa, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Middle School Bhopatpur, Block- Kotwa, District- East Champaran at Motihari.
8. Hari Shankar Sah, Son of Sri Nar Singh Sah, Resident of Village- Manjhar, Police Station- Turkauliya, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Sharda Tola, Block- Turkauliya, District- East Champaran at Motihari.
9. Santosh Kumar, Son of Late Kapildev Prasad, Resident of Village+Post Office- Sunderpatti, Police Station- Pakari Dayal, District- East Champaran at Motihari. at present New Chandmar, Durga Mandir Ward No.25, Police Station- Motihari (Town), District- East Champaran at Motihari. at present posted and



- working as an Assistant Teacher in Shree Mahavir Govt. Middle School Luathan Motihari (Town), Block- Motihari (Town), District- East Champaran at Motihari.
10. Padma Kant Pandey, Son of Parama Nand Pandey, Resident of Village- Tejpurwa Pandey Tola, Police Station- Malahi, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Sonwal North Patti, Block- Paharpur, District- East Champaran at Motihari.
  11. Ajay Kumar Ram, Son of Late Sitaram Harizan, Resident of Village- Lain, Police Station- Ghorasahan, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Middle School Tonwa, Block- Ghorasahan, District- East Champaran at Motihari.
  12. Madhusudan Kumar Singh, Son of Late Kashi Prasad Singh, Resident of Village- Kanchhedwa, Police Station- Harsidhi, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Primary School Kanchhedwa, Harsidhi, Block- Harsidhi, District- East Champaran at Motihari.
  13. Rizwanllah, Son of Tajmul Hussain, Resident of Village- Semrahiya, Police Station- Chauradano, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Primary School Barwa, Block- Motihari, District- East Champaran at Motihari.
  14. Sudhir Kumar, Son of Late Ramchandra Prasad, Resident of Village+Police Station- Lakhaura, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Primary School Purushottampur Hindi, Block- Chauradano, District- East Champaran at Motihari.
  15. Subodh Kumar Singh, Son of Late Jyoti Narayan Singh, Resident of Village- Basbitta, Police Station- Lakhaura, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Primary School Purushottampur Hindi, Block- Chauradano, District- East Champaran at Motihari.
  16. Pramod Kumar Madhukar, Son of Late Jyoti Narayan Raut, Resident of Village- Pipariya, Post Office- Belwa, Police Station- Palanawa, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Middle School Railway Raxaul, Block- Raxaul, District- East Champaran at Motihari.
  17. Purushottam Kumar Singh, Son of Late Narendra Narayan Singh, Resident of Village+Post Office- Gadi Rata, Police Station- Fullidumar, District- Banka. at present posted and working as an Assistant Teacher in Govt. Middle School Belwari, Block- Turkauliya, District- East Champaran at Motihari.
  18. Vijay Kumar, Son of Nageshwar Prasad, Resident of Village- Naga Road Ward No.II, Police Station- Raxaul, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Rupdih



- Motihari (R), Block- Motihari, District- East Champaran at Motihari.
19. Navnish Kumar, Son of Late Maheshwar Prasad Singh, Resident of Village+Post Office- Paharpur, Via- Manguraha, Police Station- Paharpur, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Latiya, Block- Paharpur, District- East Champaran at Motihari.
  20. Md. Sajid Majeed, Son of Abdul Majeed, Resident of Village+Post Office- Ejobara, Police Station- Phenara, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Primary School EjobaraUrdu North, Block- Phenara, District- East Champaran at Motihari.
  21. Rajesh Kumar Pandey, Son of Chandrika Pandey, Resident of Village- Konbarwa, Police Station- Palnwa, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Primary School Pareuwa Hindi, Block- Raxaul, District- East Champaran at Motihari.
  22. Bismillah Khan, Son of Nemtullah Khan, Resident of Village- Parsa Pathan Patti, Police Station- Darpa, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Siswania, Block- Chauradano, District- East Champaran at Motihari.
  23. Rajkumar Pd. Gupta, Son of Late Amirilal Prasad, Resident of Village- Lakhaura (Bichla Tola) Police Station- Lakhaura, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Primary School Lakhaura (Bichla Tola), Block- Motihari (Dakshin), District- East Champaran at Motihari.
  24. Pramod Kumar, Son of Ramji Prasad, Resident of Village- Sugauli Bazar, Police Station- Sugauli, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Middle School Mali, Block- Sugauli, District- East Champaran at Motihari.
  25. Gauhar Ali, Son of Raquib Ahmad, Resident of Village- Bheriharwa, Post Office- Chainpur, Police Station- Ramgarhwa, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Primary School Narirgir Urdu, Block- Ramgarhwa, District- East Champaran at Motihari.
  26. Ashok Kumar Singh, Son of Satyanarayan Singh, Resident of Village+Police Station- Kotwa, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Middle School Jasauli Patti, Block- Kotwa, District- East Champaran at Motihari.
  27. Rajeev Ranjan, Son of Late Rajan Kumar Verma, Resident of Village- Chandmari, Post Office+Police Station- Motihari, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Hiralal Sah Govt. Middle School, Block- Motihari Town, District- East Champaran at Motihari.



28. Sanjeev Kr. Ranjan, Son of Late Annat Majhi, Resident of Village- Raghunathpur (Bazar), Police Station- Sugauli, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Middle School Karamwa, Block- Sugauli, District- East Champaran at Motihari.
29. Chandan Kumar, Son of Late Shyamakant Prasad, Resident of Village- Chandraman, Post Office- Tikuliya, Police Station- Mahuawa, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Primary School Bhelwa (South), Block- Chauradano, District- East Champaran at Motihari.
30. Md. Faruque Reza Mansoori, Son of Md. Yunus, Resident of Village- Semrahiya, Police Station- Chauradano, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Primary School Khairwa (Urdu), Block- Chauradano, District- East Champaran at Motihari.
31. Suman Kumar, Son of Late Madan Mohan Singh, Resident of Village+Post Office- Laukariya, Police Station- Palanwa, Via- Jaitapur, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Primary School Aanand Sagar Gamahariya, Block- Raxaul, District- East Champaran at Motihari.
32. Jay Prakash Tiwari, Son of Late Narsing Tiwari, Resident of Village- Mankarariya Tola Husepur, Post Office- Mankarariya, Police Station- Paharpur, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Primary School Bankat, Block- Paharpur, District- East Champaran at Motihari.
33. Raj Narayan Mishra, Son of Late Rameshwar Mishra, Resident of Village+Post Office- Dumra, Via- Dariyapur, Police Station- Kotwa, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Upgraded School Laxmipur Kalwari Tola, Block- Turkauliya, District- East Champaran at Motihari.
34. Shailendra Prasad, Son of Late Awadhesh Prasad, Resident of Village+Post Office- Sirisiya Khurd, Police Station- Aadapur, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Middle School Tumariya Tola Raxaul, Block- Raxaul, District- East Champaran at Motihari.
35. Iftekhar Ahmad, Son of Farman Ali, Resident of Village- Bela, Police Station- Ramgarhwa, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Primary School Raxaul Urdu, Block- Raxaul, District- East Champaran at Motihari.
36. Sayed Salim, Son of Sayed Abdul Rauf, Resident of Village- Nakchhed Tola, Motihari, Police Station- Motihari, District- East Champaran at Motihari. at present Mathiyazirat, Ward No.13, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Gajamnand Radha Krishna Sikariya Govt. Middle School Motihari, Block- Motihari (Town), District- East Champaran at Motihari.



37. Raju Kumar, Son of Late Jagdish Prasad, Resident of Village- Panchmandir Chowk, Besahi Patti, Ward No.06, Police Station- Motihari Town, District- East Champaran at Motihari. at present posted and working as an Assistant Teacher in Govt. Middle School Ajgari, Block- Banjaria, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The District Education Officer, East Champaran at Motihari.
6. The District Programme Officer (Establishment) East Champarana at Motihari.
7. The Sub Inspectoress of School, Motihari (Town), District- East Champaran at Motihari.
8. The Block Education Officer, Chakiya, District- East Champaran at Motihari.
9. The Block Education Officer, Raxaul, District- East Champaran at Motihari.
10. The Block Education Officer, Kotwa, District- East Champaran at Motihari.
11. The Block Education Officer, Turkauliya, District- East Champaran at Motihari.
12. The Block Education Officer, Paharpur, District- East Champaran at Motihari.
13. The Block Education Officer, Ghorasahan, District- East Champaran at Motihari.
14. The Block Education Officer, Harisidhi, District- East Champaran at Motihari.
15. The Block Education Officer, Motihari (Rural), District- East Champaran at Motihari.
16. The Block Education Officer, Chhauradano, District- East Champaran at Motihari.
17. The Block Education Officer, Fenhara, District- East Champaran at Motihari.
18. The Block Education Officer, Sugauli, District- East Champaran at Motihari.
19. The Block Education Officer, Ramgarhwa, District- East Champaran at Motihari.
20. The Block Education Officer, Banjaria, District- East Champaran at Motihari.
21. The District Accounts Officer, East Champaran at Motihari.
22. The District Treasury Officer, East Champaran at Motihari.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Umesh Kumar Mishra  
For the Respondent/s : Smt. Binita Singh -Sc28

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2 23-03-2018

Heard learned counsel for the petitioners and the

counsel appearing on behalf of the State.



Petitioners have filed the present writ application for a direction to the respondents to grant senior pay-scale on completion of 'Kalawadhi' of 12 years.

Learned counsel for the petitioners submits that the issue raised in the present writ application is no more res integra. A coordinate Bench of this court had occasioned to decide the issue in C.W.J.C. No. 6139 of 2007 vide order dated 31.3.2011. The order of the writ court was affirmed by the LPA court in LPA No. 756 of 2015 dated 1.11.2017.

In view of the above, the present writ application is also disposed of with direction to the District Programme Officer (Establishment), East Champaran, Motihari, respondent no.6 to examine the case of the petitioners in the light of the decision of this court as indicated hereinabove within a maximum period of 60 days from the date of receipt/production of a copy of this order and extend the same benefit to the petitioners, if it is found covered by the decision in L.P.A. in view of the litigation policy of the State Government.

With the aforesaid, the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

Ravi/-

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