

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2446 of 2017

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Shyam Narayan Dwivedi, son of Late Yogendra Dwivedi, resident of
Piraukhar, P.S.- Madhawapur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary (Primary Education) Government of Bihar, Patna.
2. The Director (Primary Education), Government of Bihar, Patna.
3. The Regional Deputy Director of Education Darbhanga Division, Darbhanga.
4. That District Education Officer, cum Chairman District Primary Teacher Promotion Committee, Madhubani.
5. That District Program Officer (Establishment) cum Secretary District Primary Teacher Promotion Committee, Madhubani.
6. The Block Education Officer, Harlakhi, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, advocate
		Mr. Binod Kumar, advocate
For the Respondent/s	:	Mr. Narendra Kumar-GP20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 15-03-2018 Heard learned counsel for the petitioner and the counsel
appearing on behalf of the State.

The grievance of the petitioner in the present writ application is non-consideration of his case for grant of graduate trained scale. He submits that on account of seniority, petitioner was entitled to grant of graduate trained scale but the respondents made pick and choose and granted graduate trained scale to others and not considered the case of the petitioner.

Learned counsel for the State submits that in 2010 while gradation list was prepared pursuant to the order of Full Bench the petitioner has not made any objection and as such on the



basis of gradation list available, graduate trained scale was granted on uniform basis and there was no pick and choose or discrimination adopted by the respondents. Learned counsel submits that for selection in 2010 he has not filed any petition, however, he submits that in 2016 when he came to know about the grant of such scale to the juniors, he has filed representation before the respondent authority wherein he has indicated that he was granted trained scale in 2005 itself and on the basis of the same he was considered and granted promotion on the basis of gradation list but unfortunately this factual aspect was ignored by the respondents in the matter of granting the benefit of graduate trained scale.

Considering the aforesaid, the petitioner is granted liberty to file representation before the Director, Primary Education within a period of one month alongwith a copy of this order enclosing documents showing grant of graduate trained status and promotion as Head Master of the school in the year 2005. In case, such representation is filed by the petitioner indicating the fact that he was identified and graduate trained scale in the year 2005 the respondents will pass appropriate corrective order to extend benefit of graduate trained scale to the petitioner and in case respondents find that there is no any distinguishable feature



or circumstances which disentitles the petitioner, reasonable and speaking order in this regard may be passed by the respondents within a period of sixty days from the date of filing of such representation.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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