

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14687 of 2014

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Gobind Prasad Choudhary Son of Late Udit Narayan Choudhary Resident of
Village - Maniksarkar Ghat Road, P.O. + P.S. Adampur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Collector, Bhagalpur.
5. The District Education Officer, Bhagalpur.
6. The Regional Deputy Director of Education, Govt. of Bihar, Patna.
7. The District Programme Officer (Establishment), Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad Singh, Sr. Advocate Mr. Rajeev Kumar Singh, Advocate Mr. Nirala Kr. Singh, Advocate Mr. Ravi Kumar Singh, Advocate
For the Respondent/s	:	Mr. Rajesh Kumar, AC to GP-3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 24-09-2018

Heard Mr. Rajendra Prasad Singh, learned Sr. counsel
and the learned counsel appearing on behalf of the State.

2. The grievance of the petitioner in the instant writ application is that respondents have not considered the case of the petitioner for grant of Senior Selection Grade.

3. According to the petitioner, the petitioner has acquired eligibility in terms of Resolution No. 6022-F(2) dated 18.12.1989 for grant of such benefit on completion of 12 years and 24 years of service. The petitioner has filed representation on 4.10.2010 but the same has not been addressed as yet.

4. On behalf of the respondents a stand has been taken that Senior Selection Scale is not available because



petitioner does not come under 20 per cent quota of the teachers after completion of 12 years in service as the Senior Selection Grade is only admissible up to 20 per cent strength of the teachers who completed 12 years of regular service and could not get promotion to the post of Headmaster.

5. On behalf of the respondents a stand is taken since petitioner has been granted promotion as Headmaster and as such he is not entitled to grant of such promotion which was alternative of grant of regular promotion.

6. Learned counsel appearing on behalf of the petitioner submits that petitioner is entitled to revised pay scale of Rs. 15600/- to Rs. 39,100/- with effect from November, 2002.

7. The contention of the respondents in the counter affidavit that petitioner does not come in the 20 per cent quota whereas in para-11 of the rejoinder to the counter affidavit there is specific stand that petitioner comes under 20 per cent quota and entitled to grant of Senior Selection Grade pay scale.

8. In view of the rival contention on the point that whether petitioner figures in the category of 20 per cent quota or not, the Court is not in a position to issue any positive direction to the respondents. However, considering the fact that Senior Selection Grade is admissible, if the petitioner is falling in the



20 per cent of the strength of the teachers and has not been granted any promotion on regular basis, the respondents may take appropriate decision and consider the case of the petitioner for grant of such benefit from the date any person juniors to the petitioner has been granted such benefit irrespective that subsequently the petitioner has been promoted as Headmaster.

9. In the event, no person juniors to the petitioner has been granted such benefit and petitioner does not come in the purview of 20 per cent quota for grant of Senior Selection Grade then the respondents may pass appropriate order on the claim of the petitioner and in case the respondents reject the claim of the petitioner for grant of such benefit, they have to assign reason for the same.

10. The entire exercise must be completed by the respondents within a period of four months.

11. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.10.2018
Transmission Date	

