

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12465 of 2014

Prabhakar Jha, son of Late Shyam Sunder Jha, Resident of Mohalla + P.O. - Sabour Cold Storage, P.S. - Sabour, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The Additional Director Secondary Education, Bihar, Patna.
4. Regional Deputy Director of Education, Bhagalpur Commissioner, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mrs. Pravina Kumari, Advocate.
For the Respondent/s : Mr. Arun Kumar, AC to GP-1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 18-09-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has filed the present writ application for grant of senior selection selection grade scale. Petitioner was initially appointed on 12.06.1962 as an Assistant Teacher. He retired as Headmaster on 31.08.2000 without getting senior selection selection grade scale whereas those teachers, almost all juniors to the petitioner, have been granted such benefit.

3. The reason for non-granting senior selection selection grade scale is that petitioner has not undergone 21 days in-service training. The statutory rule nowhere provides for such training and the action of the respondents not giving the benefit of senior selection grade scale on the ground that



petitioner had not undergone 21 days in-service training is unsustainable as arbitrary. It appears from the letters of the Additional Director, Secondary Education, contained in Annexure-4 and 4/A, that a list of the teachers, who have been denied the senior selection grade scale since retired/dead, was called for from the Regional Deputy Director of Education, Bhagalpur, but unfortunately no action was taken even after sending such information from the Regional Deputy Director of Education. In the counter affidavit a stand has been taken by the respondents that the matter is awaiting decision from the Finance Department. Para-6 to 9 of the counter affidavit is reproduced hereinbelow:

“6. That the deponent respectfully submits that admittedly, the petitioner during his service tenure had not got the 21 days training and in the absence of that, he was not granted the selection grade scale.

7. That it is further submitted that as would manifest from the different annexures attached with the present writ petition that the matter of giving the relaxation from service training to such teachers who failed to do so during the service tenure and since retired/dead was considered in the Department.

8. That accordingly, it is submitted that after deliberations, the matter has been sent by the Education Department, Bihar, Patna to the Department of Finance, Bihar for the necessary advice.

9. That the deponent respectfully submits that once the advice is received from the Finance Department, Bihar, Patna on the subject matter, necessary decision shall be taken.”

4. Since the petitioner superannuated long back ago and this writ application was filed on 22.07.2014 and almost 04 years have passed the matter is still pending at the level of the



Finance Department. The Court believe that respondents should speak through one voice and not through different voice of different Department. The respondents are required to take appropriate decision in the case of the petitioner at the earliest and grant benefit of senior selection grade scale to the petitioner within a period of four months from the date of production/receipt of a copy of this order. While taking decision, the respondents cannot take the plea that petitioner has not undergone 21 days in-service training and the report of the Finance Department is still awaiting.

5. In the event, if there is delay in taking decision or granting consequential benefit of senior selection grade scale to the petitioner, the entire arrears would carry 9% interest per annum from the date of retirement to the date of actual payment and the interest accrued thereon shall be realised from the erring officers of the Education Department.

6. With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

