

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1892 of 2016

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Jyotish Kumar Thakur Son of Sri Prakesh Thakur, Resident of Mohalla
-Navtolia Bindwara,P.S. - Kasim Bazaar, District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources, Government of Bihar, Patna.
2. The District Magistrate, Munger.
3. The Mahapaur - Cum - Adyiksha, Shikshak Niyojan Samiti, Nagar Nigam,Munger.
4. The Nagar Ayukta - cum - Member Secretary, Nagar Shikshak Niyojan Unit, Municipal Corporation,Munger.
5. The District Programme Officer, Munger
6. The Block Education Officer, Munger.
7. The Head Master,Middle School, Kasim Bazar, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bhola Kumar, Advocate Mr. Alok Kumar Senhar, Sr. Advocate Mr. Ashish Sinha, Advocate
For the Respondent/s	:	Mr. Harish Kumar, GP-8

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 13-02-2018 Heard learned counsel for the petitioner and the counsel
appearing on behalf of the State.

The grievance of the petitioner in the present writ petition is
payment of arrears of difference of salary from June, 2015.

Counsel for the petitioner submits that the petitioner is
entitled to fixation in the pay-scale of Primary Graduate Grade
Teacher (Untrained).

From the averment made in the writ petition, it appears that
the petitioner is entitled to grant of Primary Graduate Grade
Teacher (Untrained) in terms of Rule-15 but respondents are



sitting tight over the matter and they have not fixed the pay-scale in terms of Rule-15.

In the counter affidavit, a peculiar stand was taken by the respondents that for redressal of such grievance the petitioner has to approach the District Teachers Appellate Authority. There is no statement in the entire counter affidavit that the petitioner is not entitled to fixation of his pay-scale in terms of Rule-15.

Under the aforesaid circumstances, the writ petition is disposed of with direction to the respondent no.5 District Programme Officer, Munger who shall examine the claim of the petitioner in terms of Rule-15 and will ensure pay fixation of the petitioner in accordance with Rule-15 within a maximum period of two months from the date of receipt/production of a copy of this order.

It is made clear that the decision in this regard is required to be taken by the respondent after verification of the record. The respondents are also required to ensure payment of the monetary benefit arising out of such pay fixation within a further period of two months from the date of decision of the respondents with regard to entitlement of the petitioner for grant of Primary Graduate Grade Teacher (Untrained).

It is made clear that this court has not expressed any



opinion on the merit of the case. It is the domain of the respondents who has to examine the relevant record for such decision. The respondents are also required to ensure payment of admitted dues to the petitioner within the time of two months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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