

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21396 of 2011

-
1. RABINDRA PRASAD RAJAK S/O SRI PANCHU RAJAK
RESIDENT OF VILLAGE-CHAK DUMARIYA, P.O.
KARANPUR, DISTRICT-SUPAUL, PRESENTLY POSTED AS
ASSISTANT TEACHER IN D.K.M. SCHOOL, CHAIN SINGH
PATTY, SUPAUL.
 2. SUDHIR KUMAR JHA S/O SHRI KEDAR NATH JHA
RESIDENT OF NAGAR PARISHAD SUPAUL WARD NO. 2,
PRESENTLY POSTED AS ASSISTANT TEACHER IN D.K.M.
SCHOOL, CHAIN SINGH PATTY, SUPAUL.
 3. SIW NARAYAN PASWAN S/O LAKHAN PASWAN RESIDENT
OF VILLAGE-CHAPKAHI, P.O.-BAISBITHI, P.S. SUPAUL,
DISTRICT-SUPAUL, PRESENTLY POSTED AS ASSISTANT
TEACHER IN MIDDLE SCHOOL, BAISBITHI, SUPAUL.
 4. RAM NARAYAN MANDAL S/O BALESHWAR MANDAL
RESIDENT OF NAGAR PARISHAD SUPAUL WARD NO.2,
PRESENTLY POSTED AS ASSISTANT TEACHER IN MIDDLE
SCHOOL, DAKHIGHAT, SAHRI, SUPAUL.
 5. HARE RAM SHAH S/O LATE CHAUTHI SAH RESIDENT OF
NAGAR PARISHAD SUPAUL WARD NO. 19, PRESENTLY
POSTED AS HEADMASTER IN PRIMARY SCHOOL,
LAKHANI PATTY, SUPAUL.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY,
HUMAN RESOURCES DEVELOPMENT DEPARTMENT, GOVT. OF
BIHAR, PATNA.
2. THE DISTRICT EDUCATION ESTABLISHMENT COMMITTEE,
SUPAUL THROUGH ITS SECRETARY.
3. THE DISTRICT MAGISTRATE, SUPAUL.
4. THE DISTRICT SUPERINTENDENT OF EDUCATION, SUPAUL.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Pd. Singh (Sr. Advocate) Mr. Rajeev Kr. Singh (Advocate) Mr. Nirala Kr. Singh (Advocate)
For the State	:	Smt. Binita Singh, SC-28 Mr. Sudhanshu Trivedi (Advocate)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 22-06-2018

Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.



The petitioners are aggrieved by denial of graduate trained scale to them by the respondents.

Mr. Rajendra Prasad Singh, learned senior counsel appearing on behalf of the petitioners submits that notwithstanding the seniority of the petitioners, the respondents have discriminated the petitioners in the matter of grant of graduate trained scale.

Learned counsel for the respondents, with reference to para 7 onward of the counter affidavit, submits that the respondents have not committed any illegality in denying the benefit of graduate trained scale to the petitioners. The respondents have found on scrutiny that the petitioners have obtained the degree by undergoing a regular course without prior permission.

Mr. Singh disputed this fact and submits that at the relevant time permission was granted by the District Superintendent of Education as is evident from annexure-5 series. He submits that now the respondents cannot reopen the matter after 15-20 years of grant of permission to the petitioners by the competent authority namely the District Superintendent of Education and deny the benefit of graduate trained scale.

In the aforesaid circumstances, the Court is constrained to dispose of the writ petition with a direction to the respondents to examine the genuineness of annexure-5 series and if the



documents are found to be genuine, the respondents are required to consider the case of the petitioners for grant of graduate trained scale from the date juniors to the petitioners have been granted such scale. The respondents cannot turn around and submit that the petitioners have obtained prior permission irregularly for improving their qualification in regular course.

The respondents have to work out entitlement of the petitioners on verification of annexure-5 series and grant benefit with effect from 29.12.2010, the date from which juniors to the petitioners have been granted benefits within a maximum period of three months from the date of receipt/production of a copy of this order.

With the aforesaid the writ petitioner stand disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.06.2018
Transmission Date	

