

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20544 of 2016

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1. Brajesh Kumar Prasad, son of Late Mahadeo Prasad, resident of Mohalla - Balua, Ward No. 10, West of Mithila Petrol Pump, Police Station - Town, District - Madhubani.
 2. Dharmendra Kumar Singh, Son of Late Chuni Lal, resident of Village - Kanhauli, Police Station - Khajauli, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. Principal Secretary, Education Department, Government of Bihar, Patna.
3. Regional Deputy Director of Education, Darbhanga.
4. District Education Officer, Madhubani.
5. District Programme Officer, Establishment (Education), Madhubani.
6. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur, Advocate

For the Respondent/s : Mr. Prabhat Ranjan Singh, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

2 02-02-2018 Heard learned counsel for the petitioners and the State.

The grievance of the petitioners in the present writ application is denial of Graduate Trained Scale to the petitioners notwithstanding the fact that 113 Assistant Teachers, junior to the petitioners, have been granted such benefit.

Learned counsel for the petitioners submits that the petitioners are entitled to Graduate Trained Scale w.e.f. 28.06.2012, but the respondents have adopted dilly-dally tactics in



considering the case of the petitioners for grant of such pay scale from the date the petitioners are entitled to whereas the juniors to the petitioners have been granted such benefit.

In view of the above, the writ application is disposed of with a direction to respondent no.4, the District Education Officer, Madhubani, who shall examine the claim of the petitioners and if it is found that juniors to the petitioners have been granted the benefit of Graduate Trained Scale, then the respondents are required to extend the same benefit to these petitioners.

Accordingly, the respondent no.4 is directed to take final decision within a period of 60 days from the date of receipt/production of a copy of this order and ensure payment of monetary benefit arising out of such decision within a maximum period of two months thereafter. In the event juniors have been granted such benefit, the respondent no.4 is required to ensure payment of the same within the period indicated hereinabove, failing which the arrears will carry interest at the rate of 9% per annum from the date of accrual till the date of actual payment and the respondent no.4 will fix the responsibility of erring officer for delay in granting benefit of Graduate Trained Scale to which the



petitioners were entitled to before it could be extended to the persons, juniors to the petitioners.

(Anil Kumar Upadhyay, J)

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