

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12937 of 2016

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Sanjay Kumar Choudhary, son of Late Ram Nandan Choudhary, resident of village-
Thabhai Kuraba, P.O.- Manjhagain, Police Station- Sangarampur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director (Primary Education) Education Department, Bihar, Patna.
3. The Regional Deputy Director Education, Jamui.
4. The District Education Establishment Committee through its Chairman-cum-District Magistrate, Jamui.
5. The District Education Officer, Jamui, District Jamui.
6. The District Programme Officer (Establishment), Jamui, District- Jamui.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Advocate

For the Respondent/s : Mr. Indradeo Prasad, SC-27

Mr. Vishwaranjan Choudhary, AC to SC-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 15-05-2018

Heard learned counsel for the petitioner and State.

2. The petitioner has filed the present writ application for a direction to the respondents to consider his case for grant of Graduate Trained Scale w.e.f. 24.11.2012 when the juniors to the petitioners were granted B.A. trained scale.

3. Learned counsel appearing on behalf the State with reference to one F.I.R. submits that in view of the fact that F.I.R. was lodged on 14.04.2013 under Sections 448, 341, 323, 354 and 379 of the Indian Penal Code, the respondents have not granted the benefit to



the petitioner.

4. In reply, learned counsel for the petitioner submits that on account of family dispute, this F.I.R. was lodged. He submits that assuming that this F.I.R. was lodged at the instance of the family member dated 14.04.2013, the same cannot in any way operate, as the impediment in the matter of grant of promotion, as the juniors to the petitioners were granted the said Graduate Trained Scale on 24.11.2012 and there was no impediment including the F.I.R. pending to disentitle the petitioner for grant of Graduate Trained Scale.

5. Considering the above, the writ application is disposed of with a direction to the respondents to consider the case of the petitioner for grant of Graduate Trained Scale from the date the juniors to the petitioner have been granted such scale on 24.11.2012, as the F.I.R. dated 14.04.2013 cannot be a ground to deny the Graduate Trained Scale, as on the date when the juniors have been granted such benefit, there was no such F.I.R.

6. In view of the above, the respondents are required to examine the claim of the petitioner and take final decision for grant of such benefit w.e.f. 24.11.2012 when the juniors to the petitioner have been granted such benefit within a period of 60 days from the date of receipt/production of a copy of this order.



With the aforesaid, the writ application stands
disposed of

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.05.2018
Transmission Date	

