

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22864 of 2012

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1. Jagannath Jha S/O Late Raghunath Jha R/O Vill-Daulatpur, P.S.-Palasi, Distt-Araria, At Present Assistant Teacher In Project Girls High School-Ghanipulsara, P.S.-Terhagachh, Distt-Kishanganj

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna
2. The Director , Secondary Education , Human Resources Development Department , Govt. Of Bihar, Patna
3. The Regional Deputy Director Of Education , Purnea Division , Purnea
4. The District Education Officer, Kishanganj

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 22866 of 2012

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1. Krishna Chandra Mishra S/O Shri Nityanand Mishra R/O Vill-Harihari, P.S.-Barhara Kothi, Distt-Purnea, At Present Assistant Teacher In Project Girls High School-Barhara , P.S.-Barhara Kothi, Distt-Purnea

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources Development Department , Government Of Bihar, Patna
2. The Director , Secondary Education , Human Resources Development Department , Govt. Of Bihar, Patna
3. The Regional Deputy Director Of Education , Purnea Division, Purnea
4. The District Education Officer, Purnea

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 22867 of 2012

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1. Rudal Prasad Singh S/O Shri Nandlal Singh R/O Vill-Sakari Saraiya, P.S.-Kurhani, Distt-Muzaffarpur, At Present Assistant Teacher In Project Ram Janki Girls High School-Mahadeiya, P.S.-Meenapur, Distt-Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources Development Department , Government Of Bihar, Patna
2. The Director, Secondary Education , Human Resources Development Department, Govt. Of Bihar, Patna
3. The Regional Deputy Director Of Education , Tirhut Division , Muzaffarpur



4. The District Education Officer, Muzaffarpur

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 22963 of 2012

1. Kishor Kumar Mishra Son Of Shri Ugranath Mishra Resident Of Village - Sukhsena, Police Station - Barhara Kothi, District - Purnea, At Present Assistant Teacher In Project Girls High School - Gokulpur, Police Station - Krityanand Nagar, District - Purnea

.... Petitioner/s

Versus

- 1. The State Of Bihar Through The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna
- 2. The Director, Secondary Education, Human Resources Development Department, Govt. Of Bihar, Patna
- 3. The Regional Deputy Director Of Education, Purnea Division, Purnea
- 4. The District Education Officer, Purnea

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 22967 of 2012

1. Anant Kumar Jha Son Of Late Purandar Jha Resident Of Village + Police Station - Dhamdaha, District - Purnea At Present Assistant Teacher In Project Girls High School-Dhamdaha, Police Station Dhamdaha, District - Purnea

.... Petitioner/s

Versus

- 1. The State Of Bihar Through The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna
- 2. The Director, Secondary Education, Human Resources Development Department, Govt. Of Bihar, Patna
- 3. The Regional Deputy Director Of Education, Purnea Division, Purnea
- 4. The District Education Officer, Purnea

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 23035 of 2012

1. Chandra Kant Mani Chandra S/O Late Yugal Kishore Sharma Resident Of Village- Gondu Bigha Jar Par, Police Station- Hilsa, District- Nalanda, At Present Assistant Teacher In Project Shyamta Devi Girls High School- Dhanarua, Police Station- Dhanarua, District- Patna.

.... Petitioner/s

Versus



1. The State Of Bihar Through The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna.
2. The Director, Secondary Education, Human Resources Development Department, Govt. Of Bihar, Patna.
3. The Regional Deputy Director Of Education, Patna Division, Patna.
4. The District Education Officer, Patna.

.... Respondent/s

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Appearance :

(In CWJC No.22864 of 2012)

For the Petitioner/s : Mr. Ram Sagar Singh, Advocate

For the Respondent/s : Deepanjali Gupta, A.C. to G.P.-10.

(In CWJC No.22963 of 2012)

For the Petitioner/s : Mr. RAM SAGAR SINGH

For the Respondent/s : Mr. V.M.K SINHA AAG13

(In CWJC No.22967 of 2012)

For the Petitioner/s : Mr. RAM SAGAR SINGH

For the Respondent/s : Mr. S.RAZA AHMAD AAG9

(In CWJC No.23035 of 2012)

For the Petitioner/s : Mr. RAM SAGAR SINGH

For the Respondent/s : Mr. P.N. SAHI AAG14

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 14-09-2018

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

2. The present writ petition involves the issue of grant of arrears of salary w.e.f. 01.01.1989, in Trained Scale to the Teachers whose services were taken over, by way of modification in the office order dated 24.06.2008 and the issue of grant of trained scale to FAzil and Acharya degree holder.

3. In the project scale after the judgment of the Hon'ble Apex Court in Civil Appeal No. 6676/6681 of 2001, the three main Committee enquired into the matter and submitted a report in favour of the petitioner for absorption and the order of absorption was issued



by the respondent from the date of issuance of notification.

4. The learned counsel submits that with reference to Annexure-15 that respondents have subsequently decided to take over the services from earlier date and the date of absorption of the petitioner was shifted to 1.1.1989.

5. Learned counsel appearing on behalf of the petitioner has placed reliance on the resolution of the State Government dated 05.03.2018 whereby decision was taken to grant the benefit of service of teacher from 1.1.1989 and payment of arrears of salary from 1.1.1989.

6. From the resolution dated 5.3.2018, it appears that the State Government took a decision to grant payment of arrears to retired teacher in one lump sum and the other teachers in were working in different project school were granted payemtn of arrears in five instalment. The second limb of argument of Mr. Ram Sagar Singh that the State Government took a policy decision to treat the teachers of Acharya and Fazil Degree and as such he submitted that the petitioner being Achary are entitled to pay scale of Trained Teacher on account of their absorption in the project school.

7. Considering the resolution of the State Government dated 5.3.2018 where the State Government has taken a policy decision to grant arrears from 1.1.1989 and to pay such arrears in five installment



to working teacher and in one go, the entire arrears to the retired teachers, the respondents are hereby directed act upon there own resolution dated 5.3.2018 and grant the consequential benefit to the petitioners in accordance with their own resolution dated 5.3.2018 and work out the entitlement of the petitioners, the respondents are also directed to consider the case of petitioners for grant of trained scale pursuant to their resolution which recognizes the Acharya and Fazil degree holders for grant of trained scale.

8. Necessary decision with regard to payment of arrears in terms of Resolution dated 05.03.2018 and for grant of trained scale in terms of the policy decision to Acharya and Fazil degree holder trained scale may be taken by the respondents within the maximum period of four months from the date of receipt/production of a copy of this order.

9. With the aforesaid observation and direction, this writ application is disposed of.

(Anil Kumar Upadhyay, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27/09/2018
Transmission Date	NA

