

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1847 of 2015

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Chandrika Prasad Yadav Son of Late Ram Prit Yadav, Resident of Village - Paigambarpur, P.O - Kanhauli Manohar, Police Station - Baniapur, District - Saran (Chapra), Retired While Working as Assistant Teacher from Government Middle School Rampur Binda Lal, Anchal-Ekma-I, District - Saran (Chapara).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Deputy Secretary, Finance (Pay Fixation) Department, Government of Bihar, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The District Magistrate, Saran at Chapra.
6. The Deputy Development Commissioner-cum-Chairman, District Education Establishment Committee, Saran at Chapra.
7. The District Education Office, Saran at Chapra.
8. The District Programme Officer (Establishment), Saran at Chapra.
9. The District Treasury Officer, Saran at Chapra.
10. The District Accounts Office, Saran at Chapra.
11. The Headmaster Cum Drawing and Disbursing Officer, Government Middle School Rampur Binda Lal, Anchal-Ekma-I District - Saran (Chapra).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-09-2018

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following

reliefs:

i) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to fix the pension of the petitioner after counting his stipendiary period i.e. since 24.4.1976.

ii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing



the respondent authorities concerned to treat the petitioner as having been appointed on regular basis with effect from 24.4.1976 instead of 1.4.1977 in matric trained pay scale.

iii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to treat the services of the petitioner since 24.4.1976 to 31.3.1977 i.e. stipendiary period as regular basis for its consequential benefits to reckon (for counting) his seniority and other monetary benefits with effect from the respective date of the aforesaid stipendiary period i.e. 24.4.1976 treating the same as regular service rendered by the petitioner on the same post of matric trained pay scale.

iv) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to revise the pay scale of the petitioner from the date of his joining on stipendiary basis i.e. 24.4.1976 with its differences of salary of stipendiary and matric trained pay scale.

v) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to dispose of the representation of the petitioner by a reasoned and speaking order, which has been filed by the petitioner before the then District Superintendent of Education, Saran in the light of the order dated 1.5.1995 passed in C.W.J.C. No. 3633 of 1994 (Yogendra Raut versus the State of Bihar and others) and order dated 2.7.2009 passed in C.W.J.C. No. 13615 of 2001 (Indradeo Sharma and others versus the State of Bihar and others) passed by this Hon'ble High Court.

vi) For issuance of any other appropriate writ/writs, order/orders, direction/s for which the writ petitioner will be found entitled in the facts and circumstances of the case."

3. In the counter affidavit, it is stated that the relief claimed by the petitioner has been granted to him.



4. Learned counsel for the petitioner does not controvert such fact.

5. In view thereof, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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