

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5186 of 2018

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1. Manoj Kumar Singh, son of late Sureshwar Prasad Singh, Resident of Village- Garkha, PO and PS Garkha, District- Saran at Chapra, presently working as an Assistant Teacher, Board Middle School, Garkha, Block- Garkha, District- Saran at Chapra
 2. Umesh Prasad, son of Sri Mohan Prasad, Resident of village- Jalalpur, P.O. Rasalpura, P.S. Doriganj, District- Saran at Chapra, presently working as an Assistant Teacher, Middle School, Lodipur, Block- Sadar Chapra, District- Saran at Chapra

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Government of Bihar, Patna
4. The Regional Deputy Director of Education, Saran Division, Chjapra
5. The District Education Officer, Saran at Chapra, District- Saran at Chapra
6. The District Programme Officer (Establishment), Saran at Chapra, District- Saran at Chapra

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. SBK Mangalam, Advocate
		Mr. Ravi Ranjan, Advocate
For the Respondent/s	:	Mr. MADHAW PRASAD YADAV -GP23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 27-03-2018 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Mr. S.B.K. Mangalam, learned counsel for the petitioners submits that the petitioners have been denied the benefit of graduate trained scale ignoring their seniority. With reference to Annexure-7 he submits that persons junior to the petitioners have been granted such benefit but in the matter of the petitioners, the respondents have adopted different yardstick



and as such the action of the respondents in denying the benefit of graduate trained scale per se is arbitrary and discriminatory. He submits that the respondents may be directed to consider and grant graduate trained scale to the petitioners with effect from the date juniors to them have been granted such benefits.

In view of the above, the writ petition is disposed of with a direction to the respondent Nos. 5 and 6 to examine the record and if it is found that juniors to the petitioners have been granted such benefit, necessary corrective measures may be taken by the respondents by granting benefit of graduate trained scale to the petitioners with effect from the date their juniors have been granted such benefit. Final decision in this regard must be taken by the respondents within a period of 60 days from the date of receipt/production of a copy of this order. The respondents are required to extend the consequential benefits of such promotion to the petitioners within a further period of one month from the date of passing such order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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