

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10979 of 2018

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1. Deonarayan Sah, Son of Late Ramawtar sah, Resident of Village + Post Office-Mahadipur, Police Station-Pasraha, District-Khagaria, At Present Posted and Working as an Assistant Teacher in Govt. upgraded middle School Dhenua, Anchal-Barari, District-Katihar.
 2. Naseem Akhtar, Son of Late Shekh Khurshid Ahmad, Resident of Mohalla-Dilkash bagh Ward No. 25, Police Station-Katihar, District-Katihar. At Present Posted and Working as an Assistant Teacher in Govt. Upgraded Middle School Sirnia Kant Nagar, Anchal-Barari, District-Katihar.
 3. Praneeta Kumari, Wife of Aditya Kumar Choudhary, Resident of Village-Chiranjipur, Post Office-Fatiha, P.S. Bachawara District-Begusarai, At Present Posted and Working as an Assistant Teacher in Govt. Upgraded Middle School Verma Refugee Colony, Anchal-Katihar, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Purnea Division, Purnea.
5. The District Education Officer, Katihar.
6. The District Education Officer-Cum-Chairman of Promotion Committee, Katihar.
7. The District Programme Officer, (Establishment), Katihar.
8. The District Programme Officer-Cum-Member Secretary of Promotion Committee, Katihar.
9. The Block education Officer, Barari, District-katihar.
10. The Block Education Officer, Katihar, District-Katihar.
11. Shankar Das, Son of Late Sitaram Das, Resident of Village + Post Office-Bandehra, Police Station-Pasraha, District-Khagaria. At Present Posted and Working as an Assistant Teacher in Govt. Middle School Bakiya, Anchal-Barari, District-Katihar.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Umesh Kumar Mishra, Advocate
For the State	:	Mr. Madhaw Prasad Yadav -GP23

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER



2 06-08-2018 Heard the parties.

In the present writ application, the following reliefs have been sought for on behalf of the petitioners :

(I) For issuance of an appropriate writ in the nature of mandamus for commanding directing the respondent authorities concerned to shift/provide the date of Graduate Trained Pay Scale w.e.f. 19.12.2016 instead of 08.06.2017 the date since when juniors to the petitioners and one of the example namely Shankar Das, has been provided Graduate Trained Pay Scale vide letter No.3337 dated 15.12.2016, his name is appearing at Sl. No.178 and he has been posted in Graduate Trained Pay Scale vide memo no.505 dated 19.12.2016 for all purposes i.e. monetary benefits as well as seniority, so that the petitioners might be able to get the benefits of one time measure for promotion in the scale of Headmaster as per Nationalized Elementary School Teacher Transfer and Disciplinary Action and Promotion Rule, 2018.

(II) For issuance of an appropriate writ in the nature of mandamus for commanding directing the respondent authorities concerned to shift the date of promotion of the petitioners from the date since when similarly situated teachers or even junior teachers have been provided Graduate Trained Pay Scale i.e. one of the example, namely, Shankar Das, teacher vide memo no.3337 dated 15.12.2016 and he has been given permission by the Block Education



Officer, Katihar Barari, vide memo no.505 dated 19.12.2016 by which he has been provided Graduate Trained Pay Scale from 19.12.2016, whereas the petitioners being even the seniors, have been promoted later on erroneously.

(III) For issuance of an appropriate writ as an alternative prayer for commanding and directing the respondent authorities concerned to shift/provide the Graduate Trained Pay Scale in the light of memo no.592 dated 10.05.2013 issued by the Director, Primary Education, Bihar, Patna addressing to all the Regional Deputy Director of Education, all the District Education Officers, all the District Programme Officers for consideration for promotion and its monetary benefits since the date when junior or similarly situated teachers have been provided Graduate Trained Pay Scale and only then the petitioners will be entitled to be promoted in the scale of Headmaster as the petitioners have the qualification of post graduation having in graduate teacher pay scale and entitled for relaxation as one time measure if they will complete one year in graduate trained pay scale till 31.12.2017.

(IV) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to take the decision on their repeated requests and representations to the District Education Officer, Katihar and who is the Chairman of District Teachers Promotion Committee, Katihar and the Member



Secretary-cum-the District Programme Officer (Establishment), Katihar and even their appeal before the Regional Deputy Director of Education, Purnea Division, Purnea, by which the petitioners have requested for providing the Graduate Trained Pay Scale and its monetary benefits since their due date of entitlement or since when similarly situated junior teachers have been provided Graduate Trained Pay Scale, namely, Shankar Das since 19.12.2016 for all purposes i.e. monetary benefits and seniority as well as or the promotion in the scale of Headmaster.

Considering the reliefs sought for in the present writ application, the petitioners are directed to file a representation regarding the redressal of their grievance before the Respondent No.6 i.e. the District Education Officer-cum-Chairman of Promotion Committee, Katihar. The Respondent No.6 shall consider the representation/s of the petitioners and pass an appropriate order/s in accordance with law within a period of three months from the date of filing of such representation/s by the petitioners.

The petitioners further refer to Annexure-2 issued by the Director, Primary Education, Bihar, Patna vide Memo No.592 dated 10.05.2013. The concerned respondent/s, while passing an order/s, may also consider the above mentioned Annexure-2.



With the aforesaid observation and direction, the
present writ application stands disposed of.

(Sudhir Singh, J)

Narendra/-

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