

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1312 of 2017

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Md Shamshad Son of Md Yahiya resident of Village - Bishnupur (Gidha),
P.O. - Susta, P.S. - Maniyari, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
3. The Managing Committee through its Secretary of Abeda (Minority) High School at Tinkothiya in the Town & District - Muzaffarpur.
4. The Principal, Abeda (Minority) High School at Tinkothiya in the Town & District Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Purushottam Kr Jha, Avanindra Kr Jha &
Jitendra Acharya, Advocates
For the Respondent/s : Mr Shankar Kr Thakur, AC to GP XXVII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 04-12-2018

Learned counsel for the petitioner seeks permission to make correction in the prayer portion of the writ petition so as to seek quashing of Annexure 11 instead of Annexure 14 which has been mentioned in the prayer portion due to inadvertence.

2 Permission is accorded for the correction. Let the correction be made in course of the day.

3 It is submitted by Mr Purushottam Kr Jha appearing for the petitioner that the petitioner's entitlement to the trained scale with effect from the date of his qualification as trained



teacher and entitlement to untrained scale for the period prior thereto stands decided by this Court in the case of *Mr Subhash Kumar -Versus- The State of Bihar & Others* arising out of *LPA No 136 of 2015*.

4 In view of the aforesaid submission, the claim of the petitioner is required to be dealt with in similar manner as that of *Mr Subhash Kumar (supra)* in whose case, the admissibility, as aforesaid, has in fact been allowed and paid by Annexure 13 dated 26.05.2015 issued by the Director, Secondary Education. The writ petition, therefore, need not be kept pending as in the case of “covered matter”, Bihar State Litigation Policy, 2011 (for brevity, *2011 Policy*) makes it obligatory to the authorities to give similar relief to others also.

5 Petitioner would place before the authorities a detailed and comprehensive claim based on parity with said *Mr Subhash Kumar (supra)*, in so far as his admissibility to the trained scale as well as untrained scale prior to training, before the Director, Secondary Education (respondent No 2) within a period of two weeks.

6 In case such a representation is filed, the Director would be obliged to consider the petitioner’s claim and if it is found that the case of the petitioner is at par with the case of *Mr*



Subhash Kumar (supra) then the petitioner will also get similar treatment in terms of the pronouncement of Division Bench of this Court, noted above as also in terms of 2011 Policy. The claim of the petitioner shall be disposed of within a period of three months and if the dues are found payable then the same shall be paid within a period of one month thereafter, and petitioner should also be granted approval of service within the same period.

7 With the aforesaid observations/directions, this writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.12.2018
Transmission Date	NA

