

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18821 of 2010

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1. Ram Pukar Choudhary S/O Late Bachoolal Choudhary R/O C.D.A. Colony, North Shastrinagar, P.S.- Shastrinagar, Patna, At Present Working As Lecturer, Selection Grade At Government Polytechnic, Chapra
 2. Chandrika Rawat S/O Janki Rawat R/O Vill.- Sheosona, P.S.- Hasi, Distt.- Lakhisarai, At Present Working As Lecturer, Selection Grade At Government Polytechnic, Darbhanga
 3. Rama Shankar Singh S/O Sri Rameshwar Singh R/O Vill. + P.O.- Moudihan, P.S.- Nokha, Distt.- Rohtas, At Present Working As Lecturer Selection Grade, At Government Polytechnic, Gulzarbagh, Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Science and Technology, Government of Bihar, Technology Bhawan, Patna
3. The Director, Department of Science & Technology, Government of Bihar, Technology Bhawan, Patna
4. The Deputy Secretary, Department of Science & Technology, Government of Bihar, Technology Bhawan, Patna
5. Bihar Public Service Commission, Bailey Road, Patna, through its Chairman
6. The Chairman, Bihar Public Service Commission, Bailey Road, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Adv.
For the Respondent/s : Mr. Anil Kumar Singh, G.P.-26
For the B.P.S.C. : Mr. Gyanendra Kumar Shukla, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 27-06-2018

The present writ petition has been filed for quashing that part of the order contained in memo no. 2978 dated 06.11.2009 whereby and whereunder the prayer of the petitioners no.1 and 2 for shifting the date of grant of benefits of promotion in the senior pay scale has been rejected. It has also been prayed to quash the order dated 09.11.2009 whereby and whereunder the prayer of the petitioner



no.3 for shifting the date of promotion under Career Advancement Scheme has been rejected.

The only issue for determination in the present case is as to whether M.Tch/M.Sc. (Engineering Curricula) is recognized by AICTE under the continuing education programme and whether the petitioner fulfill the requisite conditions laid down by the AICTE for the purposes of grant of senior pay scale on the post of Lecturer.

The learned counsel for the petitioners has referred to AICTE notification on revision of pay scales and associated terms and conditions of service of the Teachers, Librarian and Physical Education Personnel for diploma level technical Institutions, particularly clause 8.2 which is reproduced herein below :-

“8.2 Lecturer (Senior Scale)

A lecturer will be eligible for placement as Lecture (Senior Scale), through a process of selection if he/she has :

(i) completed 6 years of service after regular appointment as a Lecturer, with relaxation of 2 years for those with Ph.D. and one year for those with M. Phil/M.E./M. Tech.,

(ii) participated in one orientation course/induction training and one refresher course or industrial training of aggregate duration of 8 weeks, or has undertaken other appropriate continuing education or training programmes of comparable quality and duration as may be specified or approved by AICTE. Those with Ph.D. degree would be exempted from these course/training requirements”.

The learned counsel for the petitioners has submitted that



the petitioners are eligible to be granted the senior pay scale on the post of Lecturer since they are fulfilling the aforesaid requirement contained in clause 8.2.

Per contra, the learned counsel for the respondents, referring to the counter affidavit, has submitted that the petitioners herein do not fulfill the criteria laid down under the aforesaid clause 8.2. In fact, neither there is any averment in the writ petition nor the learned counsel for the petitioners, even after having strenuously gone through the pleadings, is able to point out that the petitioners fulfill the conditions laid down in clause 8.2, reproduced herein above in the preceding paragraphs, as on the date of consideration or even thereafter for the purposes of grant of senior pay scale on the post of lecturer.

In view of the aforesaid, I do not find any merit in the present petition, accordingly, the same is dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.07.2018
Transmission Date	

