

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17679 of 2017

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1. Nawal Kishore Prasad Gupta, Son of Sri Vishwanath Prasad Gupta, Resident of Village and P.O. Majhaulia, P.S. Sakra, District-Muzaffarpur, Presently Posted as Headmaster, Middle School, Haripur Krishna, Anchal-Sakra, District-Muzaffarpur.
 2. Akhilesh Kumar, Son of Sri Hiralal Chaudhary, Resident of Village-Gangoi, P.O. Lalu Chapra, P.S. Paroo, District-Muzaffarpur, Presently Posted as Headmaster, Middle School, Balaur, Bhatgama, Anchal-Gaighat, District-Muzaffarpur.
 3. Sanjeet Kumar, Son of Sri Vishwanath Prasad Singh, Resident of Village and P.O. Bahikwara Govind, P.S. Saraiya, District-Muzaffarpur, Presently Posted as Headmaster, Middle School, Bhatauna, Anchal-Marwan, District-Muzaffarpur.
 4. Vinay Kumar Thakur, Son of Sri Kapildeo Thakur, Resident of Village-Ambara Tej Singh, P.O. Rewa Basant, P.S. Saraiya, District-Muzaffarpur, Presently Posted as Headmaster, Middle School, Pakri Pakohi Girls, Anchal-Marwan, District-Muzaffarpur.h
 5. Md. Nasim, Son of Md. Fakhruddin, resident of Village-Ganj Gaurihar, P.O.-Khalique Nagar Gaurihar, P.S. Sakra, District-Muzaffarpur. Presently Posted as Headmaster, Up-graded Middle School, Ganj Gaurihar Urdu, Anchal-Sakra, District-Muzaffarpur.
 6. Md. Fakhruddin, Son of Abdus Sattar, Resident of Village-Shahpur Junaid, P.O. Shahpur Maricha, P.S. Sakra, District-Muzaffarpur, Presently Posted as Headmaster, Up-graded Middle School, Dhiranpatti Urdu, Anchal-Mushahari, District Muzaffarpur.
 7. Lal Bahadur Sahani, Son of Sri Bhagya Narayan Sahni, Resident of Village and P.O. Muhabbatpur, P.S. Deoria, District-Muzaffarpur, Presently Posted as Headmaster, Middle School, Sahebganj Boys, Anchal-Sahebganj, District-Muzaffarpur.
 8. Satish Kumar Singh, Son of Sri rameshwar Singh Resident of Village and P.O.Narma, P.S. Hathauri, District-Muzaffarpur, Presently Posted as Headmaster, Up-graded Middle School, Garahan Anchal-Bochahan, District-Muzaffarpur.
 9. Ram Niwas Singh, Son of Sri Ratneshwar Prasad Singh, Resident of Village and P.O. Bhadai, P.S. Hathauri, District-Muzaffarpur, Presently Posted as Headmaster, Middle School, Marwan, Anchal-Marwan, District-Muzaffarpur.
 10. Sanjeev K Umar Singh, Son of Sri Krishna Madhav Praasd Singh, Resident of Village and P.O.Narma, P.S. Hathauri, District-Muzaffarpur, Presently Posted as Headmaster, Middle School, Kaparura, Anchal-Kanti, District-Muzaffarpur.

.... 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 District Education Officer, Muzaffarpur District-Muzaffarpur.
5. The District Programme Officer, (Establishment), Muzaffarpur District-Muzaffarpur.
6. The Treasury Officer, Muzaffarpur, District-Muzaffarpur.

.... Respondent/s

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Appearance :



For the Petitioner/s : Mr. S. B. K. Manglam, Advocate
Mrs. Anita Kumari, Advocate
For the Respondent/s : Mr. Hitesh Suman, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
Date: 15-05-2018

Heard learned counsel for the petitioners and State.

2. The petitioners have filed the present writ application challenging the order as contained in Memo no. 5389 dated 03.11.2017 passed by the District Programme Officer (Establishment), Muzaffarpur (respondent no.5).

3. Learned counsel for the petitioners submits that the respondents have directed for recovery of benefit, which accrued to the petitioners in terms of 1993 Rules and 2011 Promotion Rules. He submits that on completion of Kalabadhi in terms of Rule 1993, the petitioners are entitled to Graduate Trained Scale i.e. Grade-4 on completion of 8 years of service. He submits that the petitioners are also entitled to the benefit under 2011 Rules, but the respondents are acting arbitrarily and they have denied the legitimate dues of the petitioners, which accrued in terms of 1993 and 2011 Rules.

4. On behalf of the respondents, submission was advanced that respondents have treated the petitioner on similar line and there is no arbitrariness in their decision.

5. Considering the aforesaid facts situation indicated hereinabove, the Court is of the considered view that whatever the



petitioners are entitled to in terms of 1993 and 2011 Rules, their legitimate entitlement cannot be denied by the respondents. The Rules are framed by the State government for implementation and those who have acquired right and expectation in terms of Rule is entitled to the benefit which is available under the statutory rules.

6. In view of the above, the Court directs the respondents to work out the entitlement of the petitioners for grant of benefit under 1993 and 2011 Rules within a maximum period of 60 days from the date of receipt/production of a copy of this order notwithstanding the Annexure-5.

7. It goes with saying that monetary benefit available under 1993 and 2011 Rules must reach the petitioners within a maximum period of one month from the date of such decision.

8. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.06.2018
Transmission Date	

