

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4907 of 2018

- =====
1. Umesh Kumar Mandal, Son of Anandi Prasad Mandal, resident of village - Banbarsha, PS - Belhar, District - Banka.
 2. Jaikant Prasad Yadav, Son of Jagdish Prasad Yadav, Resident of Village - Kamaldih, PS + District - Banka at present resident of Tara Mandir Road, House No. 11, PS + District - Banka.
 3. Shahbaj Ansari, son of Md. Hasim Ansari, Resident of Village - Rajaun, PS + District - Banka.
 4. Santosh Kumar, son of Nawal Kishore Singh, Resident of Village - Fatehpur, Anchal - Patna Sadar, District - Patna.
 5. Mithilesh Paswan, son of Mahendra Paswan, Resident of Village - Khadihara, PS + District - Banka.
 6. Md. Islam, son of Md. Ibrahim, Resident of Village - Jhunka, PS - Belhar, District - Banka.
 7. Jai Jai Ram Singh, Son of Santoshi Singh, Resident of Village - Jagatpur, PS + District - Banka.
 8. Jai Kant Lal, Son of Kishan Harijan, Resident of Village - Pair, PS - Dhoraiya, District - Banka.
 9. Braj Mohan Mandal, Son of Hari Mandal, Resident of Village - Vijaynagar, Idgah Road, PS + District - Banka.
 10. Vinod Kumar, Son of Balkrishna Ram, Resident of Village - Mangraon, PS - Nasriganj, District - Rohtas at present resident of Vijay Nagar, PS + District - Banka.
 11. Ram Bilas Das, Son of Shiv Charan Das, Resident of Village - Bari Jamin, PS - Sabour, District - Bhagalpur at present resident of Vijay Nagar, PS + District - Banka.
 12. Prabhash Prasad Singh, Son of Jagdish Prasad Singh, Resident of Village + P.O. Barhauna, District - Banka.
 13. Md. Abdurrajjak Ansari, son of Md. Habib Ansari, Resident of Village - Khajurigadia, PS - Dhoraiya, District - Banka.
 14. Prem Kishore Ram, Son of Banarsi Ram, Resident of Village - Sitab Diyara, PS - Rivilganj, District - Saran at present resident of village - Jagatpur, PS + District - Banka.
 15. Om Prakash Raut, Son of Gulabi Raut, Resident of Village - Rainiya, PS + District - Banka.
 16. Chhabilal Das, son of Dharu Das, Resident of Village - Idgah Road Babu Tola Banka, PS + District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
5. The Regional Deputy Director of Education, Bhagalpur Division, Bhagalpur.
6. The District Education Officer, Banka, District - Banka.



7. The District Programme Officer (Establishment), Banka, District - Banka.
8. Treasury Officer, Banka.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dinu Kumar, Advocate
Mr. Arvind Kumar Sharma, Advocate
For the Respondent/s : Mr. Prabhat Ranjan Singh, AC to AAG-15

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 12-04-2018

Heard learned counsel for the petitioners and State.

The petitioners have approached this Court for a direction to the respondents to grant Matric Trained Scale from the date of appointment and senior scale after completion of 12 years of service.

Mr. Dinu Kuamr, learned counsel for the petitioners submits that vide Annexure-2, the Regional Deputy Director of Education, Bhagalpur Division, Bhagalpur has already issued direction to the District Education Officer, Banka and District Programme Officer (Establishment), Banka on 17.01.2018 for taking appropriate action in the matter, but till date they have not acted upon the direction issued by the Regional Deputy Director of Education, Bhagalpur Division, Bhagalpur. He submits that the issue raised in the writ application is no more *res integra*, as this issue was decided by a Co-ordinate Bench of this Court in C.W.J.C. No. 6139 of 2007 and the order passed in C.W.J.C. No.6139 of 2007 was approved by the



Division Bench of this Court vide judgment dated 16.08.2017 passed in L.P.A. No. 756 of 2015.

In view of the aforesaid, the writ application is disposed of with a direction to the District Education Officer, Banka to take final decision on the claim of the petitioners for grant of Matric Trained Scale from the date of their initial appointment and the senior scale from the date they have completed 12 years of service in the light of the order passed in C.W.J.C. No.6139 of 2007 and L.P.A. No. 756 of 2015. The entire exercise in this regard must be completed by the District Education Officer, Banka within a period of 60 days from the date of receipt/production of a copy of this order and the consequential benefits must be extended to the petitioners within a further period of 30 days from the date of such decision.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.04.2018
Transmission Date	

