

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6328 of 2015

1. Abdul Gani Khan S/o Md. Hanif Khan, R/o Village - Baranpura, P.O. P.S. - Khaira, District - Saran Chapra, Presently Posted as Assistant Teacher at Middle School Khaira, Nagra, District - Saran.
2. Braj nandan Rajkesh, S/o Sri Medini Rajak, R/o Village - jagdishpur, P.O. P.S. - Suryagarha, District - Lakhisarai, Presently Posted as Assistant teacher at Primary School Barhiya, Ward No. 9, Ramsen Tola, P.O. P.S. - Barhiya, District - Lakhisarai.
3. Anjani Kumar Singh, S/o Sri Naresh Mohan Singh, R/o L.I.G. - 104, Housing Board Colony, Barari, P.S. - Barari, District - Bhagalpur, Presently Posted as Assistant Teacher at Govt. of Girls Middle School Barari, Nagar Nigam, District - Bhagalpur.
4. Vinay Kumar, S/o Sri Kailash Singh, R/o Village - Malikana, P.O. - Panth Pakar, P.S. - Bathnaha, District - Sitamarhi, Presently Posted as Assistant Teacher at Middle School, Tandaspur, Bathnaha, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Director Primary Education, Department of Education, Government of Bihar, Patna. null null
3. The Bihar School Examination Board, Bihar, Patna, through its Secretary.
4. The Regional Deputy Director of Education, Saran Division, Saran.
5. The Regional Deputy Director of Education, Munger Division, Munger.
6. The Regional Deputy Director of Education, Bhagalpur Division, Bhagalpur.
7. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
8. The District Education Officer, District - Saran.
9. The District Program Officer Establishment, District - Saran.
10. The District Education Officer, District - Lakhisarai.
11. The District Program Officer Establishment, District - Lakhisarai.
12. The District Education Officer, District - Bhagalpur.
13. The District Program Officer Establishment, District - Bhagalpur.



14. The District Education Officer, District - Sitamarhi.
15. The District Program Officer Establishment, District - Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Avanindra Kumar Jha
For the Respondent/s: Mr. Mithlesh Pd. Singh
For BSEB : Mr. Gyan Shankar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 27-05-2019

1. The present writ petition has been filed for grant of matric trained pay scale to the petitioners in accordance with the judgment rendered in the case of *The State of Bihar and others v. Chandra Kant and others* as also the judgment dated 13.05.2015 passed in *CWJC no. 2892 of 2013 (Brajesh Kumar and another v. State of Bihar and others)* and the one dated 10.12.2018 passed in *L.P.A. no. 1409 of 2017*.

2. As far as the petitioners no. 1 and 2 are concerned, they are said to have appeared in the in-service Teachers Training Examination held in the year 2004 and then they had appeared in the compartmental examination held in the year 2007, pertaining to the 2004 exam, hence they would be governed by the judgment rendered by a learned Single Bench of this Court dated 13.05.2015 passed in *CWJC no. 2892 of 2013 (Brajesh Kumar and another v. State of Bihar and others)*, according to which the said writ petitioners are to be



treated similar to those candidates who have passed the examination in the first attempt i.e. the examination held in the year 2004 and accordingly, are required to be granted matric trained pay scales w.e.f. 01.10.2003 on actual basis and w.e.f. 05.09.1999 on notional basis.

3. The learned counsel for the respondents do not dispute the aforesaid position, as existing in law as also on facts.

4. Accordingly, it is directed that the petitioners no. 1 and 2 shall be entitled to matric trained pay scale w.e.f. 01.10.2003 on actual basis and w.e.f. 05.09.1999 on notional basis.

5. As far as the rest of the petitioners i.e. petitioners no. 3 and 4 are concerned, the said petitioners are said to have passed the examination held in the year 2007, hence would be governed by the judgment rendered in L.P.A. no. 1409 of 2017, thus would be entitled to matric trained pay scale w.e.f. 31.07.2007 on actual basis and w.e.f. 05.09.1999 on notional basis. The said position, as existing in law as also on facts, is not disputed by the respondent-State, hence it is directed that the petitioners no. 3 and 4 be paid matric trained pay scale w.e.f. 31.07.2007 on actual basis and w.e.f. 05.09.1999 on notional basis.



6. The writ petition stands allowed on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.05.2019
Transmission Date	NA

