

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10879 of 2011

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RAM KESHWAR RAM Late Ramkrit Ram, R/O Vill. P.O. Badki Akourhi,
P.S. Karahgar, Distt. Rohtas At Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secreatary, Human Resource Development Department, Govt. Of Bihar, Patna
3. The Director Primary Education, Human Resources Development Department Govt. Of Bihar Patna
4. The Regional Deputy Director Of Education, Patna Division, Patna
5. The District Superintendent Of Education, Rohtas At Sasaram
6. The Accountant General Bihar, Patna
7. District Programme Officer (Establishment), Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Singh
For the Respondent/s : Mr.Shyam Kishor Sharma GA 3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 24-04-2019

The learned counsel for the petitioner seeks permission to add the District Programme Officer (Establishment), Rohtas at Sasaram, as party respondent no.7 in the present writ petition.

Permission is granted.

The learned A.O.R. may do so, during the course of the day.

The short prayer made by the writ petitioner in the present writ petition is for quashing the order dated 27.06.2009 passed by the District Superintendent of Education, Rohtas at Sasaram whereby and whereunder the case of the petitioner for



grant of Junior Selection Grade pay scale has been rejected on the ground that the petitioner has already been granted the first time bound promotion and he has also been granted the senior selection grade pay scale in the matric trained pay scale, however, as per the ACP Rule, there is no provision for grant of the benefits under the ACP scheme to the teachers.

The learned Senior counsel appearing for the petitioner submits that pursuant to the passing of the aforesaid impugned order dated 27.6.2009 by the District Superintendent of Education, Rohtas at Sasaram, a co-ordinate Bench of this Court vide judgment dated 31.3.2011 passed in CWJC No. 6139 of 2007 (Ram Ashis Tiwary & Ors. Vs. The State of Bihar & Ors.), as upheld by the learned Division Bench of this Court vide judgment dated 16.8.2017 passed in LPA No. 756 of 2015, has been held that the teachers like the petitioner are entitled to grant of senior selection grade upon completion of 12 years of service and are further entitled to selection grade pay scale after completion of further period of 12 years of service. It is thus submitted that the impugned order dated 27.6.2009 be quashed and the matter be remanded back to the respondent authorities for taking decision in light of Ram Ashis Tiwary case (supra).



Per contra, the learned counsel for the respondents submits that the respondent no.7 i.e. the District Programme Officer (Establishment), Rohtas at Sasaram shall examine the case of the petitioner and pass an appropriate order.

Having regard to the facts and circumstances of the case, the impugned order dated 27.6.2009 passed by the District Superintendent of Education, Rohtas at Sasaram is quashed and the matter is remanded back to the District Programme Officer (Establishment), Rohtas at Sasaram, respondent no.7, before whom the petitioner shall file an appropriate representation regarding his grievances, annexing the copies of the judgments referred to herein above, within a period of four weeks from today and the newly added respondent no.7 shall dispose of the same within a period of four weeks thereafter and, accordingly, grant all consequential benefits to the petitioner, if found admissible.

The writ petition stands allowed with the aforesaid direction.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
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