

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9285 of 2014

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Dudheshwar Yadav S/o Late Nawab Yadav, resident of Village- Paharpur, Post
Office- Taranagar, P.S.- Bihta, Dist.- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Director, Secondary Education, Government of Bihar, Patna
2. The Director, Secondary Education, Govt. of Bihar, Patna
3. The Joint Secretary, Education Department, Bihar, Patna
4. The Regional Deputy Director of Education, Patna
5. The District Education Officer, Patna
6. The Headmaster, Jagdeo Prasad 102 High School, Dihuli, Patna
7. The Accountant General of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Madan Prasad Singh No-2
For the Respondent/s	:	Mr.Md. N. Hoda Khan
	:	Mr. Md. Fazle Karim
For A.G.	:	Dr. Anand Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 13-11-2019

1. The only grievance which remains to be redressed is regarding grant of annual increment for the year 2011 and 2012 in the salary of the petitioner and accordingly, payment of the arrears of salary as also revision of retiral benefits on the basis of said enhanced salary.

2. The learned counsel for the petitioner submits that the petitioner is entitled to annual increments for the year 2011 and 2012, especially on account of the fact that the Headmasters of the Schools were given exemption from passing departmental



examination till 31.12.2013, inasmuch as the respondent- State had failed to conduct the examinations. It is further submitted that since the petitioner was the Headmaster of the School at the relevant time, the annual increment ought to have been added to the salary for the period 2011 and 2012, however the same has been denied to the petitioner herein.

3. I have perused the counter affidavit and the supplementary counter affidavit filed on behalf of the respondents as also have heard the learned counsel for the respondents. There is no denial of the aforesaid position as existing on facts, especially in view of the letter of the Joint Secretary, Education Department, Government of Bihar, Patna contained in Memo no. 1089 dated 20.04.2012, wherein the Headmasters have been admittedly granted exemption till 31.12.2013 from passing the departmental examinations in order to enable them to get the additional increments.

4. Having regard to the facts and circumstances of the case, I deem it fit and appropriate to grant liberty to the petitioner to approach the Director, Secondary Education, Government of Bihar, Patna by filing appropriate representation within a period of four weeks from today, whereupon the Director, Secondary Education, Government of Bihar, Patna



shall consider the aforesaid notification dated 20.04.2012 and grant appropriate relief to the petitioner *qua* the amount of additional increment to be granted for the year 2011 and 2012, by passing appropriate orders within a period of six weeks thereafter. It is needless to state that if any consequential benefit is found payable, the same shall be paid to the petitioner within a period of six weeks therefrom.

5. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.11.2019
Transmission Date	NA

