

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1713 of 2015

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Dhurandhar Singh s/o Late Krishnadeo Singh, resident of Village- Chaturpur,
P.S.- Nayagaon, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. The Director, Secondary Education, Government of Bihar, Patna
3. The District Education Officer, Saran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Yashraj Bardhan, Adv.
For the Respondent/s : Mr. Mukul Prasad, A.C. to G.P.-18

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 23-01-2019

Heard Mr. Yashraj Bardhan, learned counsel for the
appellant and Mr. Mukul Prasad, A.C. to G.P.-18.

This Letters Patent Appeal arises from the judgment and
order dated 01.07.2015 passed by a learned Single Judge in
C.W.J.C. No. 5401 of 2015, whereby the writ petition has been
dismissed.

In the nature of the dispute that transpires from the
records we certainly do not intent to enter into the merits of the
case. Suffice it to say that the appellant-writ petitioner while
seeking a relief under a Government resolution dated 24th March,
1967, a copy of which is enclosed at Annexure-4 of the writ
petition, whereby the scales admissible to the Science Teachers in



under graduate, post-graduate, trained and untrained scale etc. was laid down, also prays for grant of Post-graduate scale. According to the appellant-petitioner, as an honors graduate, he was entitled to this benefit w.e.f. 06.06.1975.

The appellant-petitioner was appointed on 03.09.1973 as Assistant Teacher in Mathematics in Raghuvir Singh High School, Mahdali Chak, Nayagaon, in the district of Saran and has superannuated on 30.06.2009. In other words, at the time when the appellant-petitioner was appointed as Assistant Teacher, the Resolution dated 24.03.1967 was much in vogue and which, according to the appellant-petitioner, entitled him to the scale stipulated for a post-graduate teacher. On a pointed query on the delayed action, Mr. Yashraj Bardhan, learned counsel appearing for the appellant-petitioner, has tried to persuade us by submitting that the appellant-petitioner was pursuing his cause but the only document which would reflect any such attempt by the appellant-petitioner is an order passed on a writ petition filed by the five teachers including the appellant-petitioner giving rise to C.W.J.C. No. 593 of 2002 i.e. almost 30 years since the appointment. A learned Single Judge of this court looking into the grievance disposed of the writ petition by order dated 23.04.2010 requiring



the respondents to examine the claim but by such time, the appellant-petitioner had already superannuated.

Be that as it may, the claim was examined and has been rejected by the order impugned at Annexure-3 dated 07.10.2014 which led to the filing of the writ petition in question which has been dismissed.

The counter affidavit while dealing on the merits of the claims also informs at para-11 that the system of post-graduate scale got replaced by the system of grant of selection grade scale w.e.f. 01.04.1978 and it is further informed that all the teachers have since been granted the privilege w.e.f. 01.01.1982. Meaning thereby, whatever was the grievance which led to the filing of the writ petition as regarding the grant of post-graduate scale on its replacement by the system of grant of selection grade scale which has been provided to the appellant-petitioner w.e.f. 01.01.1986, the matter comes to a close. Perhaps the respondents did not draw the attention of the court in the earlier round of litigation to this relevant aspect of the matter. In our opinion the delayed action by the petitioner in raising his claim for grant of post-graduate scale after a lapse of almost 30 years and even after its replacement by the system of grant of selection grade scale w.e.f. 01.04.1978, was too belated to require indulgence.



For the reasons that we have noted above, we do not deem it necessary to examine the issue whether or not the math teacher was entitled to a post-graduate scale and/or whether it came under the science stream or the arts stream more particularly because the system stands abolished way back in the year 1978.

For the reasons discussed, we are not persuaded to interfere with the order passed by the learned Single Judge. The appeal is dismissed.

(Jyoti Saran, J)

(Nilu Agrawal, J)

priyanka/devendra

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