

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11581 of 2019

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1. Jagdish Ram S/o Dadhu Ram, Resident of Village- Maduwaha, P.O.- Banhaura Bazar, P.S.- Nautan, District- West Champaran, Presently Posted as Assistant Teacher at U. Middle School Shrinagar, Dhanush Toli, Block- Nautan, District- West Champaran.
 2. Ramesh Paswan S/o Sitaram Paswan, Resident of Chandmari, District- Motihari (East Champaran), at present posted at UMS Tamkuhawa, Block- Madhubani, District- West Champaran.
 3. Bhagelu Ram S/o Ghaushani Ram, Resident of Village- Kathaiya, Ward No.05, P.O.- Vishnupura, P.S.- Jagdishpur, District- West Champaran, Present Posted at U. Middle School, Maniyari Bardaha, Nautan, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Director, Department of Primary Education, Govt. of Bihar, Patna.
3. The District Education Officer, District- West Champaran.
4. The District Program Officer (Establishment), District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Avanindra Kumar Jha
For the Respondent/s : Mr.Jitendra Kr. Roy 1 (Sc13)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-06-2019 The present writ petition has been filed for directing the respondents to grant the consequential benefits as a consequence of grant of matric trained scale of pay w.e.f. 01.10.2003 including promotion and pay attached to the promoted post of said Trained Graduate Teacher. It is further prayed that the said benefit be granted with effect from the date the juniors to the petitioner have been granted.

The learned counsel for the petitioner has relied upon a judgment rendered by a co-ordinate Bench of this Court dated 13.05.2015 passed in CWJC No. 2892 of 2013 (Brajesh Kumar & Ors. vs. The State of Bihar & Ors.) as upheld by the learned



Division Bench of this Court by a judgment dated 17.01.2018 passed in LPA No.1870 of 2015 (The State of Bihar & Ors. vs. Brajesh Kumar & Ors.).

The learned counsel for the respondents does dispute the position as existing in law, however, submits that the respondent no.3 shall examine the case of the petitioner for grant of similar relief.

Accordingly, the writ petition is disposed of with liberty to the petitioner to approach the respondent no.3 by filing an appropriate representation within a period of four weeks from today, annexing the judgments rendered by the learned co-ordinate Bench as also the learned Division Bench, as rendered in the case of Brajesh Kumar & Ors.(supra) and in case such a representation is filed, the respondent no.3 shall consider the same, in light of the aforesaid judgments and shall take a final decision within a period of eight weeks thereafter and in case it is found that the arrears of salary is due, the same shall be paid within four weeks therefrom.

(Mohit Kumar Shah, J)

Tiwary/-

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