

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22210 of 2018

1. Vyas Singh, Son of Gauri Shankarn Singh, Resident of Village and P.O.- Ramgarh, P.S.- Siswam, District- Siwan, Presently Working as Assistant Upgraded Middle School Chanchura Ekma.
2. Shri Md. Soumullah Ansari, Son of Md. Rafik Miya, Resident of Village- Kajipur, P.O. Rasalpura, P.S. Doriganj, District- Saran, Presently Working as Assistant at Urdu Primary School, Dighwara(Saran).
3. Md. Rafi Ansasri son of Md. Muslim Ansari, Resident of Village- Chhota Telpa, P.O. Chhapra Prakhand- Garkha, Presently Working as Assistant Upgraded Middle School Pohiya Garkha Block Gorkha.
4. Md. Murtuza Ansari, Son of Shri Jalil Ansari, Resident of Village Basantpur, P.O.- Dighwara, P.S. Dighwara, District- Saran(Chhapra), Presently Working as Assistant Upgraded Middle School Chhatar Chapra Block Dighwara , Saran.
5. Tufail Ahmad Ansari, Son of Rahamtullah Ansari, Resident of Village- Sutihar Tole, Juman, P.O. Sutihar, P.S. Dariyapur, District-Saran, Presently Working as Assistant Urdu Primary School, Dighwara, Saran.
6. Sushil Kumar, Son of Bibhav Kumar Singh, Resident of Village Phatehpur Chain P.O.- Ramgadha, P.S. Sonpur, District- Saran, Presently Working as Assistant Primary School Sahpur Block-Sonpur, District- Saran.
7. Dilip Kumar Singh, Son of Deep Narayan Singh, Resident of Village Mahuani, P.S. Jhausa, P.S. Dighwara, District- Saran, Presently Working as Assistant Primary School Barbanna, Dighwara , Saran.
8. Smt. Usha Kumari, Wife of Umesh Singh Resident of Village Dahiyava Tola, P.O.- Chhapra, P.S. Chapra Town, District- Saran, Presently Working as Assistant Gandhi Middle School Daulatganj, Chapra Nagar.
9. Prem Kumar Jaiswal, Son of Shree Yaduvansh Prasad, Resident of Village Sahebganj, P.O. Sonarpatti, P.S. Sutahatti, District- Chhapra (Saran), Presently Working as Assistant Babu Kanya Middle School Naviganj Chhapra Town.
10. Raj Kapur Prasad Sharma, Son of late Ram Sakal Prasad Sharma, Resident of Village and P.O.- Saidpur, Dighwara, P.S. Dighwara, District- Saran, Presently Working as Assistant Schedule Caste Primary School Bodha Dighwara, Chapra(Saran).
11. Jaishankar Prasad Son of Sri Hiralal Sah, Resident of Village Haraji, P.O. Haraji, P.S. Dighwara, District- Saran, Presently Working as Assistant to Middle School Manupur, Dighwara, Saran.
12. Manoranjan Sah, Son of Rameshwar Prasad Sah, Resident of Village and P.O.- Banuta, P.S. Parsa, District- Saran, Presently Working as Assistant at Upgraded Middle School Parmanandpur Block Sonapur.
13. Anand Prakash Son of Ramnaresh Sharma, Resident of Village- Sabalpur Babhantoli, P.O. Sonpur, Saran Presently Working as Assistant at Upgraded Middle School, Sabalpur Bhabhantoli, Block- Sonpur.
14. Rameshwer Prasad Charsia, Son of Bhikhari Prasad Choursia, Resident of



Village and P.O.- Sahasarawn, P.S.- Bhabuwanpur, District- Siwan, Presently Working as Assistant at Upgraded Middle School, P.S. Rahimpur, Block-sonpur.

15. Manoj Kumar Giri, Son of Ramanand Giri, Resident of Village and p.O.- Pachapalka, Via- Dalsinesa Rai, District- Samastipur Presently Working as Assistant at upgraded Middle School Parmanand Pur Block Sonapur.
16. Sajiv Kumar Son of Harinarayan Singh, Resident of Village Barbatta, P.O.- Sonpur, District- Saran, Upgraded Middle School, Baitalpur Block- Sonapur.
17. Pankaj Kumar, Son of Ramsharan Yadav, Resident of Village and P.O.- Barsam, P.S.- Sonbarsa District- Saran Presently Working as Assistant at Upgraded Middle School, Semara Block- Sonpur.
18. Chitranjan Kumar Singh, Son of Dindayal Singh, Resident of Village Sabalpur, Hasti Tola, P.O. and P.S. Sonpur, District- Saran, Presently Working as Assistant at upgraded Middle School, Kanya P.S. Hatitola Block Sonpur.
19. Gitesh Runjan, Son of Deenanath Prasad resident of Village and P.O.- Rahimpur P.S. Sonpur-District- Saran, Presently Working as Assistant at Kanya P.S. Hastitola Block- Sonpur.
20. Surendra Ram, Son of Banarsi Ram, Resident of Village Sardar Ganj, P.O.- Sheikhhakan, P.S. Mashrak, District- Chapra, Presently Working as Assistant Teacher at Aadarsh Middle School Bhajan Singh, Kasmar.
21. Shankar Nath, Son of Bharat Singh, Resident of Village- Rampur, P.O.- Aalapur, P.S. Husainganj, District- Presently working as Assistant Teacher Upgraded Middle School Aam Dadhi Ekma.
22. Prem Parkash, Son of late Dinesh Kumar Singh, Resident of Village Madhari, P.O.- Sadhar Sultanganj, P.O.- Bhagwanpur, District- Siwan, Presently Working as Assistant Teacher Shree Kishun Aadarsh Middle School, Mouna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Education, Govt. of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The Regional Deputy Director of Education, Patna Division, Patna.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer(Establishment), Saran at Chapra.
8. The Block Education Officer, Ekma, Saran.
9. The Block Education Officer, Dariyapur, Saran.
10. The Block Education Officer, Manjhi, Saran.
11. The Block Education Officer, Lahladpur, Saran.
12. The Block Education Officer, Amnour, Saran.



13. The Block Education Officer, Dighwara, Saran.
14. The Block Education Officer, Garkha, Saran.
15. The Block Education Officer, Sohpur, Saran.
16. The Block Education Officer, Rivilganj, Saran.
17. The Block Education Officer, Maker, Saran.
18. The Block Education Officer, Nagar, Saran.
19. The Block Education Officer, Parsa, Saran.
20. The Block Education Officer, Marhorah, Saran.
21. The Block Education Officer, Jalalpur, Saran.
22. The Block Education Officer, Baniaypur, Saran.
23. The Block Education Officer, Isuapur, Saran.
24. The Block Education Officer, Chapra Nagar, Saran.
25. The Block Education Officer, Panapur, Saran.
26. The Block Education Officer, Mashrak, Saran.
27. The Block Education Officer, Taraiya, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Advocate
For the Respondent/s : Mr. AC to GP 17

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT**

Date : 26-09-2019

Heard learned counsel appearing on behalf of the
petitioners and learned AC to GP 17.

The present writ petition involves the issue of grant of
higher pay scale on completion of 12 years.

The issue raised in the present writ petition is no more
res integra. A Co-ordinate Bench of this Court has occasion to
decide this issue on 31st March, 2011 in CWJC No. 6139 of 2007.
The decision of the learned Single Judge was upheld by the LPA
Court by judgment dated 16th of August, 2017 in LPA No. 756 of



2015. The SLP preferred by the State was also dismissed yet the respondents are not granting the benefit of senior pay scale on completion of 12 years and every individual has to approach this Court notwithstanding the Litigation Policy, 2011.

In the aforesaid circumstances, the present writ petition is allowed in terms of the order passed in CWJC No. 6139 of 2007 which was affirmed by the LPA Court in LPA No. 756 of 2015. Necessary decision granting similar benefits to these petitioners must be taken by the respondents within a maximum period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.09.2019
Transmission Date	NA

