

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14610 of 2019

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Medni Paswan, Son of Late Bhagwat Paswan, Resident of Village-
Madhuban, Post Office- Madhuban, Police Station- Udakishunganj, District-
Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Patna.
2. The Director, Primary Education, Education Department, Government of
Bihar, Patna.
3. The District Magistrate, Madhepura.
4. The District Education Officer, Madhepura.
5. The District Programme Officer, (Establishment), Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad
For the Respondent/s : Smt. Binita Singh (Sc28)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 23-07-2019 Heard learned counsel for the petitioner and the
respondents.

2. The issue as to grant of Graduate Trained Scale was finally decided by the Full Bench of this Court in the case of **Ram Nath Prasad Singh vs. The State of Bihar & Ors**, reported in **2009 (3) PLJR 384**. The Court while deciding the issue directed the respondents to prepare separate seniority list of Arts Teacher and Science Teacher and thereafter prepare the seniority list for the purpose of further promotion to the post of Headmaster. The right to individual accrued in terms of the decision of the Full Bench and the teachers are entitled to grant



of Graduate Trained Scale on account of seniority as Arts or Science Graduate and availability of posts in Graduate Trained scale.

3. From the materials available on record, it does not appear that any determination of the seniority of the petitioner in the cadre of Arts Teacher for grant of Graduate Trained Scale after the judgment of the Full Bench in the case of **Ram Nath Prasad Singh** (supra) was made. In the absence of those materials, the Court is not in a position to adjudicate the issue raised in the present writ application. However, liberty shall be available to the petitioner to approach the District Programme Officer (Establishment), Madhepura for consideration of his case for grant of Graduate Trained Scale and further benefit of the Headmaster scale, if the petitioner on account of seniority falls within the zone of consideration.

4. Necessary decision as to the entitlement of the petitioner for grant of Graduate Trained Scale and Headmaster Scale in the light of judgment of the Full Bench in the case of **Ram Nath Prasad Singh** (supra) shall be considered by the respondent District Programme Officer (Establishment), Madhepura within a maximum period of four months from the date of receipt/production of a copy of this order and if it is



found that the petitioner is entitled to grant of such pay scale on account of his seniority and availability of post and eligibility, the respondent District Programme Officer (Establishment), Madhepura may pass appropriate order granting consequential benefit to the petitioner within a further period of one month.

5. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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