

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16192 of 2019

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Md. Jakaullah Ansari S/o Md. Habibur Rahman Ansari, R/V- Bairiya, Kolhua,
Paigambarpur, P.O.- Kolhua, P.S.- Motipur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Special Secretary, Department of Education, Government of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
5. The District Education Officer, Muzaffarpur.
6. The District Programme Officer (Establishment) cum Secretary, District Primary Teachers Eastablishment Committee, Muzaffarpur.
7. The Block Education Officer, Motipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Brajesh Kumar, Advocate
For the State	:	Smt. Binita Singh (SC-28)
		Mr. Vivek Anand Amritesh, AC to SC 28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-08-2019 The petitioner has approached this Court for a direction to the respondents to grant selection grade pay scale or promotion under the ACP/MACP.

The respondents have formulated the scheme for grant of selection grade initially for 20% of the cadre strength. Subsequently, they came out with the condition that those who fulfills the condition of 12 years service, they are entitled to grant of selection grade pay scale.



The issue as to grant of selection grade pay scale is no more res integra. This Court has decided this issue earlier on 31st March, 2011 in CWJC No. 6139 of 2007. The matter was taken to LPA Court and the LPA Court has affirmed the same by judgment dated 16th of August, 2017 in LPA No. 756 of 2015.

In view of the aforesaid, the writ petition is allowed. The respondents are directed to consider the case of the petitioner for grant of selection grade in the light of the judgment of this Court in CWJC No. 6139 of 2007 and LPA No. 756 of 2015 and pass necessary order for grant of benefits to the petitioners within a maximum period of sixty days from the date of receipt/production of a copy of this order.

Since the petitioner has superannuated, the respondents are under obligation to make necessary correction in the post retiral dues granting benefit of selection grade to the petitioner.

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

(Anil Kumar Upadhyay, J)

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