

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16191 of 2019

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Surendra Prasad Son of Janki Yadav Resident of Ranka, Ward No. 09, Karki,
Police Station- Ariyari, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education,
Government of Bihar, Patna.
2. The Director, Primary Education-cum-Special Secretary, Bihar, Patna.
3. The Joint Director, Department of Education, Bihar, Patna.
4. The District Magistrate-cum-Collector, Sheikhpura.
5. The District Programme Officer (Establishment), Sheikhpura.
6. The District Education Officer, Sheikhpura.
7. The District Superintendent of Education, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate
For the Respondent/s : Mr.Kameshwar Kumar (Gp17)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

This writ petition is disposed of in terms of the order
dated 20.04.2018 passed in CWJC No. 7255 of 2018.

The relevant part of the aforesaid order runs as
follows:-

“Petitioners have filed the present writ
application for a direction to the respondent
to grant matric trained scale from the date of
joining. Respondents authorities have taken a
policy decision to grant matric trained scale



to teachers with higher qualification. Learned counsel appearing on behalf of the petitioners submit that petitioner were appointed with qualification of Post graduation, graduation and above matriculation.

Learned counsel submitted that in view of the policy decision of the respondent untrained teachers having qualification of higher than matriculation are entitled for matric trained scale. After Policy decision the respondent cannot adopt pick and choose and apply the policy of granting matric trained scale to some untrained having higher qualification than matriculation and deny others. It appears from the pleading that only because petitioners were appointed on compassionate ground, the respondents have adopted different yardsticks other teachers having above matriculate qualification have been granted matric trained scale but in the matter of compassionate appointees they have adopted different standard. Discrimination in any form is impermissible. The respondents should take steps to adopt their policy on uniform basis and discrimination and pick and choose is violates Article 14 of the Constitution of India. It appears that the respondents have also taken a decision to grant senior pay-



scale of completion of 12 years. The issue with regard to entitlement of senior pay-scale was considered by this Court in C.W.J.C. No.6139 of 2007 and the decision were approved in the decision of L.P.A. vide L.P.A. No.756 of 2015.

In view of the above, the respondents are directed to ensure payment of matric trained scale and senior scale on completion of 12 years of service and extend the same benefit to the petitioner expeditiously. The entire exercise in this regard must be completed by the respondent authorities within a maximum period of three months from the date of receipt / production of a copy of this order and the necessary consequential benefit including the monetary benefits must be extended to the petitioner within a further period of one month from the date of production of a copy of this order.”

(Anil Kumar Upadhyay, J)

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