

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15602 of 2019

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Ram Bachan Ram, Son of Late Ram Govind Ram, Resident of Mohalla S.C.E.R.T. Campus, P.S. Sultanganj District Patna Presently Posted as Research Officer State Council of Educational Research and Training, Bihar Patna-800006.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar.
3. The Director Administration-cum additional Secretary, Education Govt. of Bihar.
4. The Director, State Council of Education Research and Training, Bihar, Patna-800006.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan Kumar
For the Respondent/s : Ms. Binita Singh (SC28)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 07-08-2019

1. Heard the learned counsel for the parties.

2. The petitioner seeks a direction to the concerned respondents for inducting him in any equivalent post which has the pay-scale of Rs. 6500-10500/- which is



the scale of a Cameraman on which post the petitioner was working in the erstwhile SIET (State Institute of Education Technology).

3. It is the case of the petitioner that he was appointed on the post of Cameraman in the scale of Rs. 2000-3800/- in the year 1996, which scale was subsequently revised to Rs. 6500-10500/- in SIET. In the meantime, the Human Resources Development Department resolved to absorb the employees of SIET on equivalent pay-scale against the sanctioned / vacant posts in various institutes including SCERT or institutes like Kashi Prasad Jaiswal Research Centre. The occasion for such absorption arose when the Central Government refused to fund the SIET. At the time of induction in the year 2008, the petitioner was asked to give his consent for his absorption on a lower scale of Rs. 5500-9000/- as no post with the scale of a Cameraman, i.e., Rs. 6500-10500/- was available. Since the petitioner did not have any bargaining power with him at that time and that either



he would have accepted such offer or would have been rendered jobless, he gave his consent for being inducted on a post with lesser scale of pay. However, at that time, the petitioner was made to understand that no sooner the post with higher pay-scale would become available, the petitioner would be adjusted against such post.

4. Persons with similar pay-scale as that of the petitioner, who were working in SIET, were inducted in SCERT and other institutions on a lesser pay-scale and they have now been adjusted against the pay-scale of Rs. 6500-10500/-. Some of whom have been given the aforesaid concession because of the orders passed by this Court.

5. In any view of the matter, it is the case of the petitioner that many such posts with pay-scale of Rs. 6500-10500/- is available in SCERT and other Research Centres.

6. Several representations of the petitioner in that regard before the Director, Administration-cum-Additional



Secretary, Department of Education, Government of Bihar,
Patna has yielded no result.

7. The petitioner, under the aforesaid circumstances, is directed to make a fresh representation before the Director, Administration-cum-Additional Secretary, Department of Education, Government of Bihar, Patna (Respondent No. 3) within a period of two weeks, who, on receipt of such representation, shall have the facts verified, mainly, whether posts in the pay-scale of Rs. 6500-10500/ are available in such Research Institutes, either SCERT or Kashi Prasad Jaiswal Research Centre and if such posts are available, whether the petitioner is entitled for being absorbed against such post because of the assurance given to him at the time of his being inducted in SCERT from SIET and if the claim of the petitioner is found to be tenable as other persons similarly situated who have been accorded such privilege, necessary orders shall be passed by the concerned respondent within a further period of eight weeks thereafter. If the



entitlement of the petitioner is not found to be existing,
the petitioner shall be informed about the same by the
concerned respondent.

8. With the aforesaid observation / direction, this
petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	08.08.2019
Transmission Date	

