

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15713 of 2019

1. Jitendra Kumar Sinha S/o Late Mahesh Chandra Prasad Resident of Village Bishambharchak, PS Amarpur, Dist. Banka, at present working as Assistant Teacher (M.A. Trained) in Bishambharchak Middle School, P.S. Amarpur, Dist. Banka
2. Laxman Jha S/o Daya Nath Jha, Resident of Village Baratkhand, P.S. Parbatta, Dist. Khagaria, at present working as Assistant Teacher (M.A. Trained) in Upgraded Middle School, Haribanspur, P.S. Shambhuganj, Dist. Banka.
3. Manoj Kumar S/o Late Mathuro Thakur, Resident of Village Baidachak, P.S. Shambhuganj, Dist. Banka, at present working as Assistant Teacher (B.A. Trained) in Middle School, Chhatarhar, P.S. Shambhuganj, Dist. Banka.
4. Shyam Bihari Singh S/o Samarjeet Singh Resident of Village Chhatarhar, P.S. Shambhuganj, Dist. Banka, at present working as Assistant Teacher (M.A. Trained) in Upgraded Middle School, Mizapur, P.S. Shambhuganj, Dist. Banka.
5. Pabanand Mishra S/o Debki Nandan Mishra Resident of Village Chhatarhar, P.S. Shambhuganj Dist Banka, at present working as Assistant Teacher (B.A. Trained) in Upgraded Middle School, Athamania, P.S. Shambhuganj, Dist. Banka.
6. Rajesh Kumar S/o Sadanandan Singh Resident of Village Birondha, P.S. Shambhuganj, Dist. Banka, at present working as Assistant Teacher (I.A. Trained) in Middle School, Shambhuganj, P.S. Shambhuganj, Dist. Banka.
7. Krishna Dev Baitha S/o Late Sridhar Baitha Resident of Village Makduma, P.S. Amarpur, Dist. Banka, at present working as Assistant Teacher (B.A. Trained) in Upgraded Middle School, Indrawaran, P.S. Amarpur, Dist. Banka.
8. Bijay Kumar Das S/o Late Chhotan Das Resident of at and P.O. Rajoun, P.S. Rajoun, Dist. Banka, at present working as Assistant Teacher (I. Sc. Trained) in Upgraded Middle School, Maheshadih, Block and P.S. Banka Dist. Banka.
9. Rabindra Sah S/o Shiro sah Resident of Village Chapri, P.S. Amarpur, Dist. Banka, at present working as Assistant Teacher (B.A. Trained) in Upgraded Middle School, Shahgangabad, Amarpur, P.S. Amarpur, Dist. Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Human Resources, Govt. of Bihar, Patna
3. The Secretary, Department of Human Resources (Primary Education), Govt. of Bihar, Patna
4. The Joint Secretary, Primary Education Govt. of Bihar, Patna
5. The Director, Primary Education, Bihar, Patna
6. The Commissioner, Bhagalpur Division at Bhagalpur, Dist. Bhagalpur



7. The District Magistrate, Banka at Banka, PS and District Banka
8. The District Education Officer, Banka at Banka, PS and District Banka
9. The District Program Officer (Est.), Banka at Banka, P.S. and Dist. Banka
10. The Regional Deputy Director of Education, Banka at Banka PS and Dist.Banka

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
Mr. Sudhir Kumar Mishra, Advocate
For the Respondent/s : Mr.Kameshwar Kumar (GP-17)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 02-08-2019 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

The issue raised in the present writ application is no more *res integra*. This issue was examined by a coordinate Bench of this in CWJC No.6139 of 2007 and the order of the Writ Court was affirmed by the LPA Court in LPA No. 756 of 2015 dated 16.08.2017. The order of the LPA court dated 16.8.2017 reads as follows :-

“In the present case, the private respondents have been extended the benefit of the next higher scale after completion of 12 years of service which in no manner alters their status or position as an untrained teacher with higher qualification since they are all clubbed with Metric Trained, Intermediate Untrained or Intermediate Trained Teachers. The learned Single Judge, therefore, rightly quashed the impugned order and allowed the



writ application. The benefit of stagnation earned by the private respondents by virtue of the length of service cannot be taken away on the fallacious argument that they have to first qualify in training and then wait for 12 years to earn a next higher pay scale.

The order and judgment of the learned Single Judge does not suffer from any vice as he has correctly interpreted the scheme.”

In view of the above, the present application is disposed of in similar terms. The respondents are hereby directed to take final decision on the claim of the petitioners within a maximum period of one month from today and further within a maximum period of four months from the date of receipt/production of a copy of this order, the respondents shall ensure payment of the consequential benefits of such decision to the petitioners.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

uday/-

U			
---	--	--	--

