

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16562 of 2019

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1. Baban Tiwari Son of Late Chandrika Tiwari Resident of Village and P.O.- Asha Parari, P.S.- Shimri, District- Buxar- 802135.
 2. Anant Singh Son of Shri Nandjee Singh Resident of Village and P.O.- Bhatauli, P.S.- Nawanagar, District- Buxar- 802101.
 3. Ram Prasad Singh Son of Late Mukhlal Singh Resident of Village Ganauli, P.O.- Dhamar, P.S.- Ara Muffasil, District- Bhojpur- 802156.
 4. Shailendra Kumar Son of Late Bhola Prasad Choudhary Resident of Swami Sahjanand Nagar, P.O.- and P.S.- Begusarai, District- Begusarai- 851101.
 5. Ajay Kumar Singh Son of Late Bashisth Narayan Singh Resident of Village -Narayanpur P.O.- Nasaratpur, P.S.- Sandesh, District- Bhojpur- 802156.
 6. Subhash Sah Son of Late Gaya Saw Resident of Judge's Colony, Near Shivansh Residency, Saguna, P.O.- Danapur Cant., P.S.- Danapur, District- Patna- 801503.
 7. Benkat Gopal Son of Shri Braj Bhushan Singh Resident of Road No. 01, Lane No. 05, East Indira Nagar, P.O.- Lohiya Nagar, P.S.- Kankarbagh, District- Patna- 800020.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department-cum- Additional Chief Secretary- Chairman of A.C.P. Committee, Govt. of Bihar, Patna.
3. The Director Primary Education, Education Department, Govt. of Bihar, Patna.
4. The Principal Secretary Finance Department, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nikhil Kumar Agrawal, Advocate Ms. Aditi Hansaria, Advocate Ms. Deepika Sharma, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha (GP 27)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 27-08-2019

Heard the learned counsel for the parties.

2. The petitioners seek a direction to the
concerned respondents for modifying/revising/amending



the order dated 30.07.2018 as contained in Memo No. 763 dated 31.07.2018 and order dated 30.07.2018 as contained in Memo No. 764 dated 31.07.2018 respectively whereby the second time bound promotion, though has been given to the petitioners but they have been given grade pay of Rs. 4800/- instead of grade pay of Rs. 5400/-.

3. It appears that the petitioners were appointed sometimes in the year 1991 in the Subordinate Education Service. Their pay was enhanced in the 5th and 6th Pay Commission recommendations. With the framing of ACP Rules 2003 and MACP Rules of 2010 and the same rules being adopted/implemented in the service of Subordinate Education Service also, the petitioners became entitled to the benefits of such financial progression.

4. It has been submitted on behalf of the petitioners that the petitioners, prior to their being given the benefits of ACP and MACP Rules of 2003 and 2010 respectively, were getting the grade pay of Rs. 4800/-.



Thus, what the concerned respondent missed out on was that they had to be given the grade pay of Rs. 5400/- under the MACP Rules of 2010.

5. The petitioners, under the aforesaid circumstances are directed to make a suitable representation before the Director, Primary Education, Education Department, Government of Bihar, Patna (respondent no. 3) within a period of two weeks, who, on receipt of such representation shall pass a reasoned order in accordance with law within a period of eight weeks thereafter.

6. It is also expected that before passing any order, the concerned respondent shall look into the order dated 30.12.2011 of the Finance Department which has been annexed as Annexure-6 to the writ petition.

7. This Court clarifies that no opinion has been expressed on factual issues with respect to the claim of the petitioners and the respondent no. 3 shall look into the



entire set of facts before passing any order on the representation of the petitioners.

8. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.08.2019
Transmission Date	

