

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18308 of 2019

1. Naresh Sundaram S/o Late Maheshwar Prasad Singh R/o Village- Deoghara, P.O. Amarpur, P.S.- Madnichowki District- Lakhisarai posted as Assistant Teacher Middle School, Hemjapur, P.S.- Dharahar District- Munger.
2. Ravi Kumar S/o Late Suchit Lal Yadav Village- Sadipur, P.S. Kotwali, District- Munger posted as Assistant Teacher Primary School Remand Home Munger, District- Munger.
3. Sudhanshu Kumar Singh S/o Late Nawal Kishor Singh Resident of Village- Shitalpur, P.S.- Mufasil District- Munger, posted as Assistant Teacher Middle School, Sitakund Mufasil, Munger, District- Munger.
4. Manower Alam S/o Late Md. Hashim R/o Mohalla- Bari bazaar near Phanri, P.O. And P.S.- Kotwali District- Munger, posted as Assistant Teacher M.S. Choti Kalabari Munger, District- Munger.
5. Shrish Kumar Suman S/o Late Kaushlendra Mandal Resident of Village- Bhirha, P.O. Amarpur, P.S.- Madnichowki District- Lakhisarai presently posted as Assistant Teacher Primary School, Belan Bazar Munger, District- Munger.
6. Sanjeev Kumar Singh S/o Late Suresh Prasad Singh Resident of Mohalla- Kanth Colony, Argara Road Lallu Pokhar P.S.- Kasim Bazar, District- Munger posted as Assistant Teacher Middle School, Belan Bazar, Munger, District- Munger.
7. Sushila Devi W/o Late Prakash Mandal R/o Mohalla- Khalasi, P.O. And P.S.- Jamalpur District- Munger, at present posted as Assistant Teacher, Kanya Madhya Vidhyalaya Sadar Bazaar Jamalpur, Munger, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. That Principal Secretary Department of Education, Govt. of Bihar, Patna.
3. The Principal Secretary Department of Finance, Govt. of Bihar, Patna.
4. The Director Primary Education Govt. of Bihar, Patna.
5. The Regional Deputy Director of Education Munger Division, Munger.
6. The District Education Officer Munger District- Munger.
7. The District Programme Officer (Establishment) Munger District- Munger.
8. The Treasury Officer Munger District- Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ram Sevak Choudhary, Advocate
For the Respondent/s : Mr.Samir Kumar, AC to SC 16



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-09-2019 The issue raised in the present writ petition is no more res integra. In fact, similar matter was considered and decided by this Court in CWJC No. 6139 of 2007. The LPA No. 756 of 2015 preferred by the State against the decision of the Writ Court was dismissed upholding the decision of the writ Court. Even the SLP preferred against the order of the LPA Court was dismissed, yet the respondents are not following the principles laid down in the case of Rama Shish Tiwari and every individual is compelled to approach this Court in teeth of the Litigation Policy.

As discussed herein above, the issue raised is no more res integra and, therefore, as a model employer the State is required to take uniform stand in the matter of application of principle laid down in the case of Rama Shish Tiwari and following the litigation policy. In the facts and circumstances, the Court directs the Additional Chief Secretary cum Principal Secretary to see that all similarly circumstanced are extended the benefit of pronouncement of this Court in Ramashish Tiwari case so that the individual may not be compelled to approach this Court for such relief.

The Additional Chief Secretary cum Principal



Secretary of the Education Department is required to issue direction to all concerned for implementation of the principle laid down in the case of Ramashish Tiwari.

So far as these petitioners are concerned, the respondents are under obligation to take appropriate decision as to grant of senior pay scale within a maximum period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

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