

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18016 of 2019

1. Abhishek Kumar Son of Srikant Sharma, Resident of Village and P.S. Achuara Barh, P.S. Barh, District- Patna.
2. Rajiv Ranjan, Son of Kamta Das, Resident of Village- Jalgobind, P.O. and P.S. Achuara, District- Patna.
3. Anand Mohan Son of late Krishna Das Resident of Village Bahadurpur, P.O. Rupas, P.S. Athmalgola, District- Patna.
4. Alakh Niranjn Prasad, Son of late Krishn Das, Resident of Village and P.O. Karjan, P.S. Athmalgola, District- Patna.
5. Prakash Choudhary, Son of Ram Gulam Choudhary, Resident of Village Bichli Malahi, P.S. Barh, District- Patna.
6. Pramod Kumar, Son of Vishnudeo Mahto, Resident of Village Shivnar, P.O. and P.S. Shivnar, Mokama, District- Patna.
7. Ram Subhag Ram, Son of Jaleshwar Ra, Resident of Village- Rajopur Darbeshpur, Nalanda.
8. Vishwanath Prasad, Son of Lakhandeo Rai, Resident of Mohalla- Abbu Mahmmadpur, P.O. and P.S. Bakhtiyarpur, District- Patna.
9. Rajiv Kumar, Son of Chaturbhuj Prasad, Resident of Mohalla- Banarshi, Ghat Barh, P.S. Barh, District- Patna.
10. Balram Krishn Murari, Son of Ramswarath Paswan, Resident of Village- Mahmmadpur, P.O. and P.S. Bakhtiyarpur, District- Patna.
11. Sunita Devi, Daughter of kailash Prasad, Resident of Village Dayalchak, P.O. Parsawa, P.S. Pandarak, District- Patna.
12. Dharmendra Kumar, Son of late Sidheshwar Prasad, Resident of Mohalla- Kathal Tola, P.O. and P.S. Sohsarai, District- Nalanda.
13. Saba Rahmani, son of late Md. Nasimauddin, Resident of Mohalla- Bajidpur, P.O. and P.S. Barh, District- Patna.
14. Bedbrat Kumar, Son of Sri Kishori Prasad, Resident of Village- Buchandi Chak, P.O. and P.S. Barh, District- Patna.
15. Vinay Shankar Prasad, Son of Gajo Mahto, Resident of Village Bichli Malahi, Barh, P.O. and P.S. Barh, District- Patna.
16. Nasim Parwez Son of Md. Abu Jafar Resident of Mohalla- Sultanganj, P.S. Sultanganj, District- Patna.
17. Satyendra Narayan Son of Panna Lal Singh, Resident of Village- Nizampur, P.S. Didarganj, District- Patna.
18. Swarnjeet Singh Joshila, Son of Bhagwan Singh, Resident of Kadhai Karhana Nand Gola, Nagala, District- Patna.
19. Renu Kumari, Wife of Sukhdeo Raut, Resident of Niranjn Bhawan, Adarsh Colony, P.S. Malsalami, District- Patna.
20. Mritunjay Kumar Depak, Son of Rajendra Prasad , Resident of Nakhas Mangal Akhara, P.S. Malsalami, District- Patna.



21. Lakshman Kumar, Son of late Mishri Singh, Resident of Purvi Nand Gola, P.S. Madhaw Mill, District- Patna.
22. Nand Kishore Son of late Ram Janam Singh, Resident of Nehru Nagar, P.S. Patliputra Colony, District- Patna.
23. Bhuvneshwar Prasad, Son of Mahesh Prasad, Resident of Shitala Nagar, Nahar Road, P.S. Agam Kuan, District- Patna.
24. Pankaj Kumar, Son of Babu Chandra Prasad, Resident of Adarsh Colony, Bhooth Nath Road, P.S. Agam Kuan, District- Patna.
25. Ranjeet Kumar, Son of Dev Krishna Singh, Resident of House No. 10D Prithvipur Gali No. 1 Chirayatand, Phulwari, Patna.
26. Ramesh Prasad, Son of Banshidhar Prasad, Resident of Maida Toli, Bibiganj Danapur Cantt. District- Patna.
27. Anil Kumar, Son of Hazari Prasad, Resident of Moregulabi Bag, Khajekala Patna City, P.S. Malsalami, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
5. The District Education Officer, Patna.
6. The District Programme Officer (Establishment), Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the Respondent/s : Mr. Umesh Narayan Dubey, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-09-2019 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. In Ram Ashish Tiwari case, the Co-ordinate Bench of this Court has decided similar issue in C.W.J.C. No. 6139 of 2007 vide order dated 31.03.2011 and the matter is



taken to the LPA Court in LPA No. 756 of 2015 and the LPA Court approved the decision of the Single Judge in C.W.J.C. No. 6139 of 2007.

Notwithstanding the fact that the matter was approved by the LPA Court and the SLP preferred against the decision of the LPA Court was also dismissed. The respondents have not granted the benefit of senior scale to the petitioners as yet.

Considering the aforesaid, the present writ application is disposed of with a direction to the respondent to take appropriate decision with regard to the claim of the petitioners in light of decision in C.W.J.C. NO. 6139 of 2007 which was approved by the LPA Court in LPA No. 756 of 2015.

Necessary decision in this regard shall be taken by the respondents at the earliest preferably within a period of 60 days from the date of receipt/production of a copy of this order with all consequential benefits.

This Court has noticed the attitude of the respondents in not adhering to the principle laid down in C.W.J.C. No. 6139 of 2007 and every teacher has been compelled to approach this Court for similar relief which runs contrary to the 2011 litigation policy. The Court in the aforesaid circumstance direct the Additional Chief Secretary-cum-Principal Secretary to direct the



concerned officers of the Education Department to follow the principles laid down in Ram Ashish Tiwari case in the matter of grant of senior scale. If the Court finds that the principles laid down in Ram Ashish Tiwari case is not followed then the Court may consider the desirability of imposing heavy cost against the officials for breach of Bihar Litigation Policy, 2011.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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