

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19425 of 2016

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Sahdeo Mahto Son of Late Uttm Mahto, resident of village - Panda Laxmipur,
Police Station - Khajauli, District - Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Regional Deputy Director of Education, Darbhanga Division, Darbhanga
3. District Education Officer, Madhubani
4. District Magistrate, Madhubani
5. District Programme officer Establishment , Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raj Shekhar
For the Respondent/s : Mr.Madhaw Pd. Yadav- GP23

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 03-02-2020 Heard both sides.

The petitioner, a duly appointed Science Teacher in the year 1993, filed this writ petition for redressal of his grievance that he was not granted Matric trained or Graduate trained teacher scale from the date of his entitlement.

It is submitted that gradation list was published on 03.09.2016 under Section 5(i) and 6(ii) of the Bihar Government Primary Teachers Promotion Rules, 1993 but name of the petitioner was shown much below as Intermediate pass whereas the petitioner acquired graduation and post graduation degree.

The learned counsel for the respondents/ State,



resisting the claim of the petitioner, by filing counter affidavit, submits that in view of Bihar Taken Over Elementary School Teachers' Promotion Rules, 1993 objection was invited on 30.01.2016 through newspaper as well as individual notice for consideration of the claim of the teachers and for preparation of gradation list of but the petitioner did not file any objection and the relevant papers for grant of trained teacher pay scale and for preparation of gradation list on the basis of his qualification of post graduate and that is why the name of the petitioner in the gradation list figured as Intermediate pass teacher.

Having considered the submissions, I find that the petitioner has retired from service in the year 2006. Notice was issued for preparation of gradation list on the basis of qualification of the teachers but the petitioner did not file any objection. Later on, the petitioner filed representation before the authorities, which is still pending. I find that if the petitioner is entitled to get Matric trained or graduated trained scale on the basis of Bihar Government Primary Teachers Promotion Rules, 1993, before his retirement, the respondents should have considered the representation of the petitioner even after publication of the gradation list and on this ground I am of the view that the respondents are not justified in denying the



legitimate claim of the petitioner because he did not file objection in time.

Accordingly, I dispose of this writ petition with a direction to the petitioner to file a detailed representation before the District Education Officer/ District Programme Officer (Establishment), Madhubani within one month from today and thereafter the concerned authority shall dispose of the representation of the petitioner in accordance with law. If the petitioner is found entitled to get benefit of trained teacher on the basis of higher qualification the respondents shall accord the benefits to the petitioner within two months thereafter.

With the aforesaid direction, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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