

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22084 of 2019

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Benkatesh Kumar S/o Late Girijesh Sharma Resident of Village- Mahesh Parasi Gorkatti, P.s.- Upahra, Distt.- Aurangabad, presently posted as Assistant Teacher, Govt. Middle School, Block Goh, Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt.of Bihar, New secretariat, Patna
2. The Principal Secretary, Department of Finance, Govt.of Bihar, New secretariat, Patna
3. The Director Primary Education, Govt.of Bihar, Patna
4. The Deputy Development Commissioner-cum-Chairman Establishment Committee, Patna
5. The District Education Officer Aurangabad
6. The District Programme Officer (Establishment) Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajoy Kumar Chakraborty, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey (AAG15)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 22-01-2020

Learned counsel for the petitioner submits that his case is squarely covered by the judgment passed in *Ram Ashis Tiwary and Others vs. the State of Bihar (C.W.J.C. No. 6139 of 2007)* as also in the *LPA No. 756 of 2015* arising out of the aforesaid case which has been followed in cases of several other employees (*Abhishek Kumar and Others vs. the State of Bihar in C.W.J.C. No. 18016 of 2019*).



In the later case, a bench of this Court on noticing that because of the approach of the respondents in not adhering to the principle laid down in C.W.J.C. No. 6139 of 2007 leading to filing of several writ petitions for such relief being against the litigation policy of the State, directed the Additional Cheif Secretary-cum-Principal Secretary to instruct the concerned officers of the education department to follow the principles laid down in Ram Ashis Tiwary (supra) in the matter of grant of superior pay scale.

This Court therefore directs the Principal Secretary, Education Department to apprise the concerned officers of their obligation to follow the law in that regard. To facilitate this exercise, the petitioner is directed to file an application before the Principal Secretary, Education Department, Government of Bihar, Patna annexing a copy of this order as well orders referred above within a period of three weeks, who on receipt of the same shall pass necessary orders in accordance with law and shall



communicate the same to the petitioner within a period of six weeks of the receipt of such application.

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

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.01.2020
Transmission Date	

