

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25835 of 2019

1. Jai Shankar Sharma, S/o Badri Narayan Thakur, resident of Village- Haripur Krishna, Ward No. 12, Siho, District- Muzaffarpur, presently posted as Assistant teacher, at Upgraded Madhya Vidyalaya, Misraulia, Muzaffarpur.
2. Amleshwar Kumar, S/o Sitaram Thakur, resident of Village- Haripur Krishna, Harpur Kishuni, District- Muzaffarpur, presently posted as Assistant teacher, Middle School, Simri Sakara, Muzaffarpur.
3. Mandwi Kumari, W/o Arun Kumar, resident of Saketpuri Nand Kishore Lane, Chunagali, P.S.- Mushari, District- Muzaffarpur, presently posted as Assistant teacher, at Rajkiya Middle School Saraiya, Muzaffarpur.
4. Sudha Sharma, W/o Amresh Kumar Sharma, resident of Village- Haripur Krishna, Siho, District- Muzaffarpur, presently posted as Assistant teacher, at Middle School Chausima, Sakara, Muzaffarpur.
5. Akhilesh Prasad Verma, S/o Late Binda Singh, resident of Village- Senduari Gajasingh, P.O.- Motipur, District- Muzaffarpur, presently posted as Assistant teacher, at Middle School Motipur Sanskrit, Muzaffarpur.
6. Ranjeet Kumar, S/o Ramsagar Prasad Singh, resident of Village- Thikahan Aswari, P.S. Thikahan Basudeo, District- Muzaffarpur, presently posted as Assistant teacher, at Middle School, Nariyar, Anchal- Motipur, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education Department, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Muzaffarpur, District- Muzaffarpur.
5. The District Education Officer, Muzaffarpur, District- Muzaffarpur.
6. The District Programme Officer (Establishment) Muzaffarpur, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh
For the Respondent/s : Mr.Madhaw Prasad Yadaw (Gp23)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-02-2020 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the respondents.



Petitioners are aggrieved by the order contained in memo no. 2263 dated 19.4.2017, Annexure-8 whereby the respondent no.6 has directed revision of the pay scale of the petitioners in the light of resolution no. 630 dated 21.1.2010 and also for recovery of excess amount.

Learned counsel appearing on behalf of the petitioners submits that petitioners are entitled to the benefit of promotion under 1993 and 2011 rules in the graduate trained scale on completion of eight years of service. He submits that petitioners are entitled to the benefit under 1993 and 2011 rules but the respondents are acting contrary to 1993 and 2011 rules.

Learned counsel for the petitioners submits that similar matter was considered by this Court in C.W.J.C. No. 17679 of 2017 and vide order dated 15.5.2018 direction was issued to consider the claim of the petitioners for grant of benefit in terms of 1993 and 2011 rules.

Considering the aforesaid, the present application is disposed of with a direction to the respondents to consider the case of the petitioners for grant of benefit under 1993 and 2011 rules notwithstanding the memo no. 2263 dated 19.4.2017 within a maximum period of three months from the date of receipt/production of a copy of this order.



It goes without saying that the respondents have to consider grant of consequential monetary benefit to the petitioner in terms of the decision within the time frame indicated hereinabove.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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