

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8373 of 2020

1. Ramanand Sagar Son of Ramdeo Prasad, Resident of Mohalla- Parsobigha, Police Station- Barbigha, District- Sheikhpura
2. Kamal Nayan @ Kamal Meyan Son of Kailash Prasad, Resident of Mohalla- Narayanpur, Police Station- Barbigha, District- Sheikhpura
3. Ram Prasad Chaudhary Son of Hari Chaudhary, Resident of Mohalla- Narayanpur, Police Station- Barbigha, District- Sheikhpura
4. Mahesh Kumar, Son of Ramdeo Singh, Resident of Sheopuri, Police Station- Barbigha, District- Sheikhpura
5. Asurari Prasad, Son of Durga Prasad, Resident of Mohalla- Patel Nagar, Police Station- Barbigha, District- Sheikhpura
6. Uday Kumar Mantu Son of Naurangi Das, Resident of Mohalla- Shanti Nagar, Police Station- Barbigha, District- Sheikhpura
7. Gautam Son of Sahdeo Prasad, Resident of Village- Nagdih, Police Station- Barbigha, District- Sheikhpura
8. Vijay Singh, Son of Ramanugrah Singh, Resident of Mohalla- Sheopuri, Police Station- Barbigha, District- Sheikhpura
9. Mukesh Kumar Son of Shailendra Kumar, Resident of Pain, Police Station- Sheikhpura, District- Sheikhpura
10. Vidyarthi Kumar Son of Kishori Prasad Yadav, Resident of Mohalla- Guffaphar Dhaneshwar Ghat, Police Station- Sohsarai, District- Sheikhpura
11. Rajendra Prasad, Son of Baidhnath Prasad, Resident of Village- Lutaut, Police Station- Sheikhpura, District- Sheikhpura
12. Md. Namul Hoda, Resident of Mohalla- Amdanda, Police Station- Amdanda, District- Bhagalpur
13. Rekha Verma Wife of Krishnandan Prasad Verma Resident of Charuawan, Police Station- Barbigha, District- Sheikhpura
14. Umesh Rajak Son of Kishori Prasad Resident of Mohalla- Mohallapur, Police Station- Barbigha, District- Sheikhpura
15. Saket Kumar son of Ram chandra Prasad Singh Resident of Belaon, Police Station- Barbigha, District- Sheikhpura
16. Gajendra Kumar Pandey, Son of Udit Pandey Resident of Babhanbigha Road, Police Station- Barbigha, District- Sheikhpura
17. Dinesh Kumar, Son of Bodhan Yadav, Resident of Village- Barui, Police Station- Barbigha, District- Sheikhpura
18. Mundrika Jha Son of Brahamdeo Jha, Resident of village- Mehus, Police Station- Barbigha, District- Sheikhpura
19. Ashok Kumar Son of Dinesh Prasad Singh, Resident of Othama, Police Station- Barbigha, District- Sheikhpura
20. Anuj Kumar Pandey Son of Aditya Pandey Resident of Village- Mafi Gali, Police station- Warsaliganj, District- Nawada



21. Dhiraj Kumar Son of Tanik Prasad Singh Resident of Village- Shekhpur Dih, Police Station- Shekhopur Sarai, District- Sheikhpura
22. Rakesh Ranjan Sinha, Son of Sidheshwar Prasad Singh, Resident of village- Pain, Police Station- Sheikhpura, District- sheikhpura
23. Vimal Kishore, Son of Ramdas Yadav, Resident of Village- Dariyapur, Police Station- Barbigha, District- Sheikhpura
24. Md. Kalamuddin Ansari, Son of Md. Yahiya Ansari, Resident of Village- Yahipur, Police Station- Sheikhpura, District- Sheikhpura
25. Md. Mumtaz Alam Son of Abdul Matin Resident of Village- Ramjanpur, Police Station- Barbigha, District- Sheikhpura
26. Jitendra Kumar, Son of Kishundeo Singh, Resident of Mohalla- Katari Road, Police Station- Barbigha, District- Sheikhpura
27. Manoj Kumar Son of Bodhan Yadav, Resident of Barui Police Station- Barbigha, District- Sheikhpura
28. Devendra Kumar, Son of Gopal Sharan Gupta, Resident of Mohalla- Mandapsauna (Bangalipar), Police Station- Barbigha, District- Sheikhpura
29. Deepak Kumar @ Deepak Kr. Vernwal Son of Krishna Prasad Barnwal Resident of Mohalla- Girihinda, Police Station- Barbigha, District- Sheikhpura
30. Renu Kumari Wife of Rajeev Nayan , Resident of Mohalla- Iday, Police Station- Barbigha, District- Sheikhpura
31. Krishna Kumar Son of Satyawant Sao Resident of Mohalla- Katra Chowk, Police Station- Barbigha, District- Sheikhpura
32. Vinod Paswan, Son of Moti Paswan, Resident of Mohalla- Katra Chowk, Police Station- Barbigha, District- Sheikhpura

... .. Petitioners

Versus

1. The State of Bihar
2. The Additional Chief Secretary-cum-the Principal Secretary, Education Department, Government of Bihar, Patna
3. The Principal Secretary, Finance Department, Government of Bihar, Patna
4. The Director, Primary Education, Bihar, Patna
5. The Joint Secretary, Education Department, Bihar, Patna
6. The District Education Officer, Sheikhpura
7. The District Programme Officer (Establishment) Sheikhpura
8. The Block Education Officer, Sheikhpura, District- Sheikhpura

... .. Respondents

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Appearance :

For the Petitioners : Mr.Bipin Kumar, Advocate
For the Respondents : Mr.Lalit Kishore, Advocate General

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT**

Date : 03-02-2021

Heard learned counsel for the petitioners and learned counsel for the respondents.

Petitioners have approached this Court for a direction to the respondents to quash the order contained in Memo No. 107 dated 04.05.2020 issued under the signature of the District Education Officer, Sheikhpura.

Learned counsel appearing on behalf of the petitioners would submit that the issue involved in the present writ application is no more res integra as the similar issue was decided by this Court in CWJC No. 6139 of 2007 (Ram Ashis Tiwary & others Vs. The State of Bihar & others) which was upheld by the Division Bench of this Court by the judgment dated 16.08.2017 passed in LPA No. 756 of 2015 (The State of Bihar & others Vs. Ram Ashis Tiwari & others).

In order to maintain consistency, the present application is disposed of in the following terms:-

“The respondents should take steps to adopt their policy on uniform basis and discrimination and pick and choose violates Article 14 of the Constitution of India. It appears that the respondents have also taken a decision to grant senior pay-scale of completion of 12 years. The issue with regard to entitlement of senior pay-scale was considered by this Court in C.W.J.C. No. 6139 of 2007 and the decision were approved in the



decision of L.P.A. vide L.P.A. No. 756 of 2015.

In view of the above, the respondents are directed to ensure payment of matric trained scale and senior scale on completion of 12 years of service and extend the same benefit to the petitioner expeditiously. The entire exercise in this regard must be completed by the respondent authorities within a maximum period of three months from the date of receipt/production of a copy of this order and the necessary consequential benefit including the monetary benefits must be extended to the petitioner within a further period of one month from the date of production of a copy of this order.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04.02.2021
Transmission Date	N.A.

