

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4885 of 2021

1. Mukesh Kumar, aged about 27 years, Gender - male, son of Chandrika San, Resident of Turki Brahman Toli, Minapur, P.O. - Turki Khararu, P.S. - Minapur, District - Muzaffarpur.
2. Priyamvada Kumari, aged about 28 years, Gender - female, daughter of Devendra Singh, Resident of Rambagh Chowk, South of Sanskrit College, ^{Mushahazi} ~~Musahzi~~, P.O. - Ramna, P.S. - Mihampura, District - Muzaffarpur.
3. Rajan Kumar, aged about 27 years, Gender - male, son of Umesh Nandan Shukla, Resident of Nariyar, P.O. - Nariyar, P.S. - Motipur, District - Muzaffarpur.
4. Ranjeet Kumar, aged about 31 years, Gender - male Son of Sedhu Sheran Bhagat, Resident of Chakmal, Near Durga Mandir Ward No.13, P.O. - Gidha, P.S. - Saraiya, District - Muzaffarpur.
5. Ashok Kumar, aged about 33 years, Gender - male Son of Shankar Chaudhary, Resident of Shahbazpur Salem, Near Durga asthan, P.O. - Bhikhanpur, P.S. - Ahlyapur, District - Muzaffarpur.
6. Raj Shekhar Prasad, aged about 38 years, Gender - male Son of Raj Kishore Prasad, Resident of village - Sahdulapur, P.O. - Bhikhanpur, P.S. - Ahlyapur, District - Muzaffarpur.
7. Abdul kayoom, aged about 28 years, Gender - male, Son of Md. Baaruddin, Resident of village Pokhraina, P.O. - Gidha, P.S. - Saraiya, District - Muzaffarpur.
8. Priyanka Kumari, aged about 30 years, Gender - female, daughter of Manoranjan Prasad, Resident of village - Kothiyapur, P.O. - Mustafapur, P.S. - Ahlyapur, District - Muzaffarpur.



9. Nitu Kumari aged about 38 years, Gender - female, wife of Rakesh Kumar, Resident of Yahapur, Near Bazar Samiti P.O. - Bhikhanpur, P.S. - Ahiyapur, District - Muzaffarpur.
10. Sujata Sinha aged about 35 years, Gender - female, wife of Anil Kumar Singh, Resident of village - Baghrasi, P.O. - Kothram, P.S. - Jamalpur, District - Darbhanga.
11. Laloo Kumar Sharma, aged about 31 years, Gender - male, Son of Asharfi Thakur, Resident of village Darapatti, P.O. - Marwan, P.S. - Karja, District - Muzaffarpur.
12. Md. Ajmal, aged about 39 years, Gender - male, Son of Mahmood Alam, Resident of village Sabira Manzil, Azad Road, P.O. - Chandwara, P.S. - Town, District - Muzaffarpur.
13. Poonam Kumari aged about 29 years, Gender - female, daughter of Jaganath Chaudhary, wife of Manoj Sahani, Resident of village - Mirapur, P.O. - Mirapur, P.S. - Sakra, District - Muzaffarpur.
14. Priti Rani aged about 29 years, Gender - female, wife of Subhash kumar, Resident of village - Ratanpura, P.O. - Ramkrishn Duviyahi, P.S. - Sareiya, District - Muzaffarpur.

..... Petitioners

-Versus-



1. The State of Bihar through the Chief Secretary,
Government of Bihar.
2. The Chief Secretary, Government of Bihar.
3. The Principal Secretary, Education Department,
Government of Bihar, Patna.
4. The Joint Secretary, Education Department, Government
of Bihar, Patna.
5. The Deputy Secretary, Education Department,
Government of Bihar, Patna.
6. The Director, Primary Education, Education Department,
Government of Bihar, Patna.

... Respondents.

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Appearance :

For the Petitioner/s : Mr. Rikesh Sinha, Advocate
For the Respondent/s : Mr. Vikash Kumar, S.C. 11

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 03-05-2021

Petitioners have prayed for the following relief(s):



- (i) for quashing / setting aside the clause 2.8 of Departmental Sankalp No.1530 (Sanchika No. : 11/v1-08/2013 1530) dated 11.08.2015 by which petitioners were deprived of grade pay for two years.
- (ii) to pay the Grade pay of Primary Trained Teacher (Basic/Graduate Grade) from 01.07.2015 on pay scale as incorporated in clause 2.1 of Departmental Sankalp No.1530 (Sanchika No. : 11/v1-08/2013 1530) dated 11.08.2015.
- (iii) any other relief/reliefs your lordships may deem fit and proper.

After the matter was heard for some time, learned counsel for the petitioners submits that petitioners shall be content if a direction is issued to the concerned respondent(s) to consider and decide the representation which the petitioners shall be filing for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four weeks from the date of its filing along with a copy of this order.

Equally, liberty is reserved to the



petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioners take recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioners to approach the Court on the same and subsequent cause of action, if the need so rises.

We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.



The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.05.2021
Transmission Date	

