

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 20410 of 2019

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1. Sunil Kumar Keshari S/o Dr. Banshropan Prasad Keshari Resident of Mohalla- Station Road, Buxar, Opposite D.A.V. School, P.o.- Gajadharganj, P.s.- Buxar Town, Distt.- Buxar, At present posted and working as a Graduate Science Teacher, Upgraded M.S. Dumari, Block- Simri, District- Buxar
 2. Kunj Bihari Prasad S/o Jainarayan Prasad Resident of Village and P.o.- Chausa, P.s.- Buxar (Head Quarter), Block- Chausa Distt.- Buxar, Bihar- 802114 At present posted and working as a Graduate Science Teacher, Middle School, Simri, Dudhipatti, Block- Simri, District- Buxar
 3. Anjani Kumar S/o Dr. Banshropan Prasad Keshari Resident of Mohalla- Station Road, Buxar, Opposite D.A.V. School, P.o.- Gajadharganj, P.s.- Buxar Town, Distt.- Buxar, Bihar-802103 At present posted and working as a Graduate Science Teacher, Upgraded M.S. Bairy, Block- Harhi, District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary Finance Department, Govt. of Bihar, Patna
3. The Under Secretary Finance Department, Govt. of Bihar, Patna
4. The Principal Secretary Education Department, Govt. of Bihar, Patna
5. The Director Primary Education, Education Department, Govt. of Bihar, Patna
6. The District Education Officer Buxar
7. The District Programme Officer (Establishment) Buxar
8. The District Accounts Officer Bhojpur

... .. Respondent/s



Appearance :

For the Petitioner : Mr. Umesh Kumar Mishra, Adv.
For the State : Mr. Sanjay Kumar, AC to GP-23

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

6 25-08-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed seeking the following reliefs:-

“(i) For issuance of an appropriate writ in the nature of certiorari for quashing the letter dated 23.01.2017 issued under the signature of the Respondent No. 3 and contained in his letter no. 447 dated 23.1.2017, whereby and whereunder a direction has been issued to the Respondent No. 8 that the Graduate Trained Teachers, would not be entitled for the benefits of one additional



increment on fixation if their salaries has already been fixed in PB-2 + 4600 after completion of 12 years of their services in Matric Trained Teachers Pay-Scale.

(ii) For issuance of an appropriate writ in the nature of mandamus, commanding and directing the Respondent Authorities for fixation of salary of the petitioners in the Trained Graduate Pay-Scale in view of the provisions contained under Rule 22(1)(A)(1)(i)(ii)(iii) & (iv) of the Fundamental Rules which inter-alia provides that for the purposes of pay-fixation on promotion, the salary payable on the date of promotion would be fixed and thereafter pay-fixation would be done after giving benefits of one additional increment of the existing pay-scale and to pay the arrears of salary of the petitioners after the aforesaid fixation from the date when they have been granted Training Graduate Pay-Scale by



the Respondent-Authorities.

(iii) For issuance of any other writ/writs, order/orders, direction/ directions in the nature of mandamus commanding the respondent authority concerned to consider the case of the petitioners in the light of order dated 17.7.2019 passed in CWJC No. 4176 of 2017 (Jai Siya Ram Singh & Ors. vs. The State of Bihar & Ors.) as the petitioners' case is also same and similar.”

The learned counsel for the petitioners submits that the case of the petitioners is squarely covered by an order dated 17.07.2019 passed by a coordinate Bench of this Court in CWJC No. 4176 of 2017 (Jai Siya Ram Singh and Ors. Vs. The State of Bihar & Ors.), paragraph no. 9 whereof is reproduced herein below:-

“9. Considering the aforesaid, the writ petition is disposed of with direction to the respondents to work out the entitlement



of the petitioners in the light of Rule 1993 particularly Rule 5 and determine the status of the petitioners in the light of Kalawadhi prescribed under the 1993 Rule and grant all consequential benefits including the monetary benefit within a maximum period of three months from the date of receipt/production of a copy of this order and thereafter consider the benefit of further promotion if accrued in terms of 2011 promotion Rules.”

Thus, it is submitted by the learned Counsel for the petitioner that the Director Primary Education, Education Department, Government of Bihar, Patna, be directed to consider the case of the petitioners in light of the aforesaid order dated 17.07.2019.

The learned counsel for the Respondent-State, Sri Sanjay Kumar (AC to GP-23), submits that in case, the petitioners approach the Respondent-Director Primary Education, Education Department,



Government of Bihar, Patna, he would definitely consider the case of the petitioners and pass a reasoned order.

Accordingly, the present writ petition is disposed of with liberty to the petitioners to approach the Director Primary Education, Education Department, Government of Bihar, Patna, by filing appropriate representation within a period of two weeks from today, who shall then consider the aforesaid grievances of the petitioners in light of the order dated 17.7.2019 passed by a coordinate Bench of this Court in the case of Jai Siya Ram Singh and Ors. (supra) and pass a speaking and a reasoned order, in accordance with law, within a period of six weeks, thereafter. In case, the petitioners are found entitled to any consequential benefits, the same shall be paid within a period of six weeks of passing of the order by the Director Primary Education, Education Department, Government of Bihar, Patna.



(Mohit Kumar Shah, J)

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