

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24837 of 2018

1. Raj Kumar Singh and Ors son of late Dashrath Singh resident of Village- Chhitrauli, P.O.- Kanar Hariharpur, P.S.- Khaira, District-Saran.
2. Nagendra Giri son of late Baidhnath Giri resident of Village- Kakadhiya Mathiya, P.O.- Kakadhiya, P.S.- Khaira, District - Saran.
3. Umesh Kumar Singh son of late Shivnath Singh resident of Village- Vishanpur, P.O. and P.S.- Jalalpur, District - Saran.
4. Kameshwar Pandey son of late Chandeshwar Pandey resident of Village and P.O. - Affour, P.S.- Khaira, District- Saran.
5. Shamim Akhtar son of Late Md. Wakeel resident of Village and P.O.- Naya Gaon, P.S.- Sonapur, District- Saran.
6. Sikandar Chaudhary Son of Khedan Chaudhary resident of Village- Koraiya, P.S. - Dighwara, District- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Secretary, Human Resources Development Department, Government of Bihar, Patna.
5. The Director Secondary Education, Directorate of Secondary Education, Government of Bihar, Patna.
6. The Joint Director Secondary Education, Directorate of Secondary Education, Government of Bihar, Pa
7. The District Magistrate Saran at Chapra, District - Saran.
8. The Regional Deputy Director Education RDDE, Saran Division at Chapra.
9. The District Education Officer, Saran at Chapra, District- Saran.
10. The District Programme Officer Est. Saran at Chapra, District - Saran.
11. The Treasury Officer, Saran at Chapra, District- Saran.
12. The Accountant General AandE, Bir Chand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Adv.
For the State : Mr. Amit Bhushan, AC to GP 17

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA



ORAL ORDER

2 21-11-2022 1. Learned counsel for the respondent submits that the issue raised in the present petition stands already adjudicated finally by this Court in the case of **Chandrakant & Ors. Vs. State of Bihar & Ors.** in **CWJC No. 2783/2021** and the identical writ petition have been dismissed with following directions :

“31. In view of the above, the contention raised by the petitioners of having benefit of ACP Scheme or MACP Scheme fails and the order passed by the respondents, dated 10.11.2020 and consequential orders thereto are upheld holding that the petitioners would only be entitled to the benefits granted to them under Circular, dated 16.11.2000.

32. However, it is further held that the petitioners and other teachers who were wrongfully granted benefit of ACP/MACP would have to get their pay fixation revised and if they have retired, their pension would also be accordingly revised. But, no recovery shall be made for the extra amount which they have received.”

2. The petitioner has in the present petition prayed as under :

“1. That the present writ application is being filed for the grant of following :

[A] For issuance of an appropriate writ order or direction commanding the respondents to change the grade of pay which has accrued to the petitioners from their respective promotion from Matric Trained to Graduate Trained, as result of which petitioners become entitled for grant of grade pay with effect from 16-04-2011 and thereafter in view of non asking any option petitioners became entitle for their pay revision with effect from 01-07-2011 and as result of which petitioners became entitle for grant of pay grade of 5400 in place of actual grant of pay grade 4800 with effect from 16-04-2011 and thereafter entitle for enhancement of pay grade with effect from 01-



07-2011 in view of resolution of finance department contained in Resolution No.-630 dated 21-01-2010.

[B] For issuance of an appropriate writ order or direction commanding the respondents to fix the pension of the petitioners after modifying enhancement of pay grade with effect from 01-07-2011 in view of resolution of finance department contained in Resolution No-630 dated 21-01-2010 and further they are getting their pension accordingly.

[D] For issuance of an appropriate writ order or direction commanding the respondents to change the grade of pay from 4800 to higher pay grade of 5400 by modifying the date of actual promotion w.e.f 16-04-2011 and pursuant to said modification of higher pay grade direct the respondents to issue modified pension orders in view of change of grade of pay from 4800 to higher pay grade of 5400 by modifying the date of actual promotion w.e.f 16-04-2011.

[E] For issuance of an appropriate writ order or directing commanding the respondents that in view of non asking any option petitioners became entitle for their pay revision with effect from 01-07-2011 and as result of which petitioners became entitle for grant of pay grade of 5400 in place of actual grant of pay grade 4800 with effect from 16-04-2011 and thereafter entitle for enhancement of pay grade with effect from 01-07-2011 in view of resolution of finance department contained in Resolution No-630 dated 21-01-2010 and pursuant to said modification of higher pay grade direct the respondents to issue modified pension orders in view of change of grade of pay from 4800 to higher pay grade of 5400 by modifying the date of actual promotion w.e.f 01-07-2011 and if any deduction has been made then further direct for payment of said deduction with statutory interest.

[F] For issuance of an appropriate writ order or direction commanding the respondents to pay the difference of pension pursuant to said modification/change of grade of pay from 4800 to higher pay grade of 5400 by modifying the date of actual promotion.

[G] For issuance of an appropriate writ order or direction commanding the Respondents to pay the interest upon the delayed payment.

[H] For any other relief or relief for which petitioner is entitled in the opinion of this Hon'ble High Court."



3. Keeping in view above prayers, this Court is satisfied with the question stands already decided by this Court. The aforesaid directions shall also govern the present case.
4. The writ petition stands disposed of accordingly.

(Sanjeev Prakash Sharma, J)

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