

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15138 of 2022

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1. Braj Kishore Prasad Rana S/o Jio Nandan Prasad Singh Village- Rampur Mahesh, Post- Parauna, Parrana, District- Saran, presently posted as Matric Trained Assistant Teacher at Govt. Middle School, Rasidpur Hindi, Block- Taraiya, District- Saran.
 2. Bikrama Pandit S/o- Shyama Pandit R/o Village- Deoria, P.O. and P.S.- Taraiya, District- Saran, presently posted as Matric Trained Assistant Teacher at Kanya Middle School Taraiya, District- Saran.
 3. Mantu Kumar S/o- Late Baidyanath Mahto R/o- Village- Jitwarpur, P.O.- Barka Baneya, District- Saran, presently posted as Matric Trained Assistant Teacher at Primary School Tenua Sadar, Chapra, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Director (Primary Education), Department of Education, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The District Education Officer, District- Saran
5. The District Program Officer (Establishment), District- Saran.
6. Sanat Kumar Singh, Head Clerk-cum-Assistant in the office of District Education Officer, District- Saran (Chapra).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Avanindra Kumar Jha, Adv. Mr. Purushottam Kumar Jha, Adv.
For the Respondent/s	:	Mr. Subhash Chandra Mishra (SC16)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 11-11-2022

1. The petitioner prays as under:

*“1. That, by way of filing the instant
Writ Petition, the Petitioners crave the indulgence
of this Hon’ble Court, inter alia for grant of
following reliefs:-*



(i) To hold and declare that, in view of the various orders passed by this Hon'ble Court and Hon'ble Apex Court, as well as Memo No. 289 dated 22.02.2019 and Letter No. 432 dated 20.04.2020, issued under the signature of the Director (Primary Education), Education Department, Govt. of Bihar, (Annexure-2 & 4), so far it relates to the Assistant Teachers Appointed prior to 31.12.1995, the matter of grant of "Financial Progression", has attained the finality.

AND CONSEQUENT UPON SUCH DECLARATION

(ii) For issuance of appropriate orders, direction or writ in the nature of Mandamus for directing the respondents concerned to extend benefit of 1st Financial Progression w.e.f. 19.09.2006, 2nd Financial Progression (or 1st MACP) w.e.f. 19.09.2014, to the petitioner; upon completion of 12/20 years of services, calculating the length of petitioner's service from the date of appointment.

(iii) For grant of any other relief or relief's to which the Petitioners may be found



entitled to, in the facts and circumstances of this case.”

2. This Court in C.W.J.C. no. 2783/21 (Chandrakant Vs. State of Bihar) has held as under:

“Para 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 grnted to them under Circular, dated 16.11.2000.

Para 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.”



3. The teachers appointed as untrained teachers, are not entitled to benefit of MACP. Keeping in view, the writ petition is dismissed.

(Sanjeev Prakash Sharma, J)

shaswat/-
Item no. 211

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