

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.336 of 2019

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1. Rajeev Kumar and Ors Son of Late Maheshwar Mandal, Resident of Behind Hero Agency, Ward No. 17, Police Station- Madhepura, District- Madhepura.
 2. Anil Kumar, Son of Bindeshwari Yadav, Resident of Ward No. 15, Goshaita, Police Station- Madhepura, District- Madhepura.
 3. Md. Masood Rahmani, Son of Mehmood Rahmani, Resident of Ward No. 13, Puraini, Police Station- Kumar Khand, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Saharsa.
5. The District Education Officer, Madhepura.
6. The District Programme Officer Establishment, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv
For the Respondent/s : Mr. Jitendra Kr. Roy 1, SC 13

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 31-01-2023 1. The petitioner by way of this writ petition has
prayed as under:

“(I) For issuance of writ in the nature of
Mandamus direction to Respondents to grant
promotion on the basis of passing Teachers Training
Service Examination etc. under the Bihar
Elementary Schools Teachers Appointment Rules,
1991, treating him in 1st attempt or compartmental
should be treated to have passed the examination in



the second attempt.

(II) For issuance of writ in the nature of Mandamus direction to Respondents to treat the compartmental examination is in continuation of the main examination of the and the result of examination is to be treated as the result of examination held in 2004 or in the year of 2007, would be treated to have passed in the 1st attempt itself.

(III) For issuance of writ in the nature of mandamus direction to Respondents to pay difference of salary.

(IV) For any other appropriate writ, order, direction save and except in accordance with law.”

2. In the counter affidavit, the respondents have stated as under:

“6. That in the present context it is most respectfully submitted that since the issue in hand in no more res integra, inasmuch as this Hon’ble Court has already been pleased to hold in C.W.J.C. No. 2892/2013 that all candidates who had passed compartmental examination in the year 2007 would be treated to have passed in the first attempt i.e. 2004 and would be entitled to pay scale from 01.10.2003, which had also been upheld by the



Hon'ble Division bench in LPA No. 1870/2015, and it was in compliance to the aforesaid judicial pronouncements, that follow up departmental order had also been issued that the petitioners who had passed compartmental examination in 2007 also been provided with actual monetary benefits in terms of the aforesaid departmental order."

3. Keeping in view thereto, this Court is satisfied that the grievance raised by the petitioner stands redressed. It is also been informed in the counter affidavit that vide order dated 01.03.2019, promotion in graduate trained scale in the pay band Rs. 9300-34800 with grade pay 4600 is also being provided to those who passed compartmental examination.

4. Keeping in view thereto, the writ petition has been rendered infructuous and is accordingly disposed of.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 17

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