

Basukinath Singh son of Late Kusheshwar Prasad Singh resident of village Shamho, PS - Matihani, Dist. - Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna
4. The District Education Officer, Lakhisarai.
5. The District Programme Officer Establishment, Lakhisarai.

... .. Respondent/s

For the Petitioner/s	:	M/s Binoy Kumar Singh, Sweta Raj, Advocates
For the Respondent/s	:	Mr. Kameshwar Kumar-GP17 Mr. Arbind Kumar, AC to GP 17

3 07-10-2023 1. Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The petitioner has filed the instant application for
the following reliefs:-

“a) For grant of an appropriate writ for quashing the office order of the District Education Officer, Lakhisarai issued under memo no. Vidhi 1135 dated 7/7/2012 holding that the claim of the petitioner for grant of promotion in Graduate Trained Pay Scale is not acceptable on the ground that the petitioner is holding the degree of Sahityalankar from Hindi Vidyapeeth, Deoghar.

b) For grant of an appropriate writ for a direction to the respondent authorities to grant promotion to the petitioner in Graduate Trained Pay



Scale from the date his immediate junior was granted such pay scale with all consequential benefits.”

3. Learned counsel for the petitioner submits that the petitioner was denied promotion in Graduate Trained pay scale only on the ground of his holding degree of Sahityaalankar from the Hindi Vidyapeeth, Deoghar. On the petitioner filing an earlier application being C.W.J.C. no.15199 of 2010, the application was disposed of directing the respondents to consider the claim of the petitioner, however, once again by the impugned order contained in memo no. 1135 dated 7.7.2012 (Annexure-6) issued under the signature of the District Education Officer, Lakhisarai, the representation of the petitioner was rejected on the aforesaid ground.

4. Learned counsel for the petitioner referring to his supplementary affidavit submits that the matter in issue has been finally decided by Full Bench of this Court by judgment dated 22.8.2019 passed in C.W.J.C. no. 11255 of 2016 (Ramashankar Patel and ors Vs. State of Bihar & ors.) wherein this Court has held as follows:-

46. In terms of the notification of the General Administration Department as contained in Memo No. 541 dated 11th January, 1991 the Sahityaalankar certificate had got equivalence to the graduation at least



prior to 25.08.2008, therefore, those writ petitioners who obtained their Sahityalankar degree from Hindi Vidyapeeth, Deoghar prior to 25.08.2008 would come within the framework of the notification dated 11th January, 1991 and shall be entitled for consideration for promotion to B.A. (Trained) Scale. By virtue of the notification dated 08.04.2016, the promotions granted between 07.05.2012 and 08.04.2016 have been saved. Further by notification dated 17.04.2017 now even the degree obtained prior to 07.05.2012 and the appointment/promotion granted between 07.05.2012 and 08.04.2016 have been saved. In these circumstances the petitioners no. 4, 7 and 15 shall also be entitled for the benefits because in both cases i.e. notification dated 08.04.2016 and notification dated 17.04.2017 the State respondents cannot contend that while the promotions granted to the persons junior to for the same. This would be discriminatory because once equivalence granted to Sahityaalankar degree obtained from Hindi Vidyapeeth, Deoghar prior to 07.05.2012 is saved it will save the petitioners who have their Sahityaalankar degree obtained prior to 07.05.2012. They would be entitled to maintain their position in the seniority list and in case juniors to them have been granted promotion in terms of B.A. (Trained) Scale, these petitioners shall also be entitled for the same from the date their juniors have received



the benefit.”

5. It is further submitted that the S.L.P. (Civil) Diary No. 6359 of 2021 preferred against the aforesaid judgment was dismissed by order dated 23.7.2021.

6. In response to, learned counsel for the respondents submits that though on earlier occasion, the degree of Sahityaalankar obtained from Hindi Vidyapeeth, Deoghar was not accepted by the respondents, however, subsequent to the judgment of the Full Bench of this Court and the Hon’ble Supreme Court, benefits have been granted to similarly situated persons.

7. In view of the facts and circumstances of the case, specially in view of the judgment of the Full Bench of this Court affirmed by the Hon’ble Supreme Court, the writ application is allowed. The respondents will grant the Graduate pay scale to the petitioner from the date of his entitlement and all consequential benefits as a result thereafter shall be paid within a period of four weeks from the date of receipt of a copy of this order.

(Partha Sarthy, J)

Spd/-

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