

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8357 of 2015

1. Sanjay Kumar S/o Late Gorak Mahto Resident of Village Chakmansoor, Post Mansoorpur, P.S. District Vaishali. At present posted at Upgraded Middle School, Ismailpur, Vaishali.
2. Arvind Kumar Arya S/o Late Muneeshwar Prasad Resident of Village Asadpur Satpura, Post Satpura, P.S. Bhagwanpur, District Vaishali. At present posted at Upgraded Middle School, Rahsa Purbi, Vaishali.
3. Rana Mukulesh Kumar Singh S/o Late Rana Ramakant Singh Resident of Village Post Raspur Patasiya, P.S. Mohiuddin Nagar, District Samastipur. At present posted at Upgraded Middle School Murliyachak, Vaishali.
4. Ratnesh Kumar Ratnakar S/o Late Sachhidanand Singh Village Post Prataptand, P.S. Bhagwanpur Vaishali. At present posted at Upgraded Middle School, Prataptadh, Vaishali.
5. Sanjeev Kumar S/o Late Devendra Prasad Singh Resident of Village Bhathadasee, Post Basra, P.S. Rajapakar, District Vaishali. At present posted at Upgraded Middle School, Tajpur Bujurg, Vaishali.
6. Vibhooti Sah S/o Late Udal Sah Resident of Village Post Chakbhgola, P.S. Prakhand Desari, District Vaishali. At present posted at Upgraded Middle School, Mamrejpur Kanya, Vaishali.
7. Nand Kishore Roy S/o Late Ram Padarth Roy Resident of Village Post Chakthakursee Kushiaree, Post Lakhnee, Via Bidupur R.S., District Vaishali. At present posted at Upgraded Middle School, Rajapakar Urdu, Vaishali.
8. Krishna Murti S/o Late Arun Kumar Singh Resident of Village Post Mathura, P.S. Bidupur, District Vaishali. At present posted at Upgraded Middle School, Madhurapur, Vaishali.
9. Prabhat Ranjan S/o Late Surendra Prasad Singh Resident of Village Mahsaur, P.S. Jandaha, District Vaishali. At present posted at Government Middle School, Chaksikandar, Bidupur, Vaishali.
10. Uday Shankar Jha S/o Late Shyamakant Jha Resident of Village Hirpur, P.S. Jandaha, District Vaishali. At present posted at Government Middle School, Chandpura, Bidupur, Vaishali.
11. Sujeet Kumar S/o Late Rajkishore Singh Resident of Village Desari, P.O. Desari, District Vaishali. At present posted at Upgraded Middle School, Madhaul, Desari, Vaishali.
12. Rajeev Ranjan S/o Late Bindeshwar Prasad Singh Resident of Village Rampur Kumharkol, P.S. Desari, District Vaishali. At present posted at Government Middle School, Rampur Kumharkol, Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education Department, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.



4. The District Education Officer, Vaishali.
5. The District Programme Officer Establishment, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Maruth Nath Roy
For the Respondent/s	:	Mr. D.K. Prasad, GP 7
For the State	:	Mr. Dhurjati Kumar Prasad, GP-14

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-01-2023 Heard both the parties.

2. The petitioners were appointed as Teachers on 13.08.1998 on compassionate basis in primary schools. They were holding higher qualification than the matriculation. Accordingly, as per Annexure-2 the Matric Trained Scale was granted to the petitioners w.e.f. 05.09.1999 which the petitioner received till 30.09.2003.

3. The petitioners completed the teachers training in the year 2000. The examination for trained teachers was held in the year 2004 in which the petitioners succeeded and again the petitioners were given the Matric Trained Scale w.e.f. 01.10.2003.

4. The grievance of the petitioners is that the teachers appointed prior to their appointment was given notional pay of Matric Trained Scale w.e.f. 05.09.1999 to 30.09.2003 which is discriminatory in nature and their position in the seniority list will be affected by this.



5. On the other hand, learned counsel for the State submits that the petitioners have been paid the Matric Trained Scale since 05.09.1999 till date and there is no whisper in the writ application regarding the seniority of the petitioners being affected by not giving the petitioners the notional pay of Matric Trained Scale between 05.09.1999 to 30.09.2003.

6. The petitioners have also not brought any gradation/seniority list showing that the notional grant of Matric Trained Scale is the basis for preparation of the seniority list.

7. It is a fact that the petitioners have been paid actual benefit of Matric Trained Scale right through 05.09.1999 to 30.09.2003.

8. Having heard learned counsel for the parties and after going through the circular at Annexure-9 and the facts involved in the case, in my opinion, the petitioners have not made out a case of discrimination that the seniority of the petitioners will be affected due to non-grant of notional pay of scale for the period of 05.09.1999 to 30.09.2003, particularly when it is the admitted position that the petitioners have been paid the actual monetary benefit of Matric Trained Scale right through 05.09.1999 till 01.10.2003 and subsequent thereto.

9. Accordingly, I do not find any force in the case of



the petitioners that the seniority of the petitioners shall be affected due to Annexure-9. In the result, this writ application is dismissed.

(Anil Kumar Sinha, J)

ashwani/-

U			
---	--	--	--

