

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16048 of 2014

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Sudama Prasad Yadav S/o Late Muso Prasad Yadav, Resident of Village-
Dhuriya, P.O.- Dhuriya Kalasan, P.S.- Chausa, District- Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Old Secretariat, Bihar, Patna
2. The Secretary, Primary Education, Government of Bihar, Patna
3. The Director, Primary Education, Government of Bihar, Patna
4. The Commissioner, Koshi Division, Saharsa
5. The Regional Deputy Director of Education, Koshi Division, Saharsa
6. The District Magistrate, Supaul
7. The District Programme Officer, Establishment, Supaul
8. The Treasury Officer, Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate
For the Respondent/s : Mr. P.S. Sahay, SC 31

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 02-11-2023 Heard learned counsel for the petitioner and learned
counsel for the respondents.

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

*“(1)For issuance of a writ in the nature of
mandamus retraining the respondents from making
any recovery from the petitioner.*

*(11) For declaration that the amount paid to the
petitioner can not be recovered as there is no fraud
on the part of the petitioner.*

*(111) For any other reliefs (s), order (s),
direction(s), Wit(s) to which petitioner may be found*



entitled in the facts and circumstances of the case.”

A counter affidavit and a supplementary counter affidavit has been filed on behalf of the District Programme Officer (Establishment), Supaul, respondent no.7. In paragraph no.5 of the supplementary counter affidavit, the following statements have been made:-

“5) That the issued relating to grant of matric trained scale was subject matter of adjudication in CWJC no.18410/2013 and CWJC no.8676/2011 and in terms orders passed in the sid writ application, direction was issued at the level of Director, Primary Education, vide order contained in the Bihar memo no.1661 dated 08.11.2014 as well as letter no.181 dated 21.02.2015 and taking into account the directives issued by the Director, Primary Education, Bihar the claim relating to such teachers including the petitioner was examined and vide office order contained in Memo no.1554 dated 27.09.2016, their claim has been redressed and accordingly, the benefit to matric trained scale extended to the petitioner vide annexure-1 of the writ application has been revived and the petitioner has been held entitled to get matric trained scale w.e.f. 04.01.2001 and in that view of the matter the claim raised in this case has been redressed.

Photo copies of order dated 24.10.2013 passed in CWJC no. 18410/2013, dated order 13.03.2013 passed in CWJC no.-



8676/2011, order contained in memo no. 1661 dated 08.11.2014 and letter no.181 dated 21.02.2015 are annexed herewith and marked as Annexure-B Series to this supplementary counter affidavit.”

No reply to the above supplementary counter affidavit has been filed on behalf of the petitioner.

In view of the above statement made in paragraph no.5 of the supplementary counter affidavit of respondent no.7 as quoted hereinabove, the petitioner does not press the instant writ application.

This application stands disposed of as not pressed.

(Partha Sarthy, J)

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