

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15281 of 2013

-
-
1. Mishri Lal Prasad Yadav, S/o Sri Raghuni Rai R/o Vill. Fular P.S. Mahua, Dist. Vaishali. At Present Rajkiyakrit Upgraded Middle School Chehra Kalan Circle Chehra Kalan Dist. Vaishali
 2. Nagendra Prasad Singh, S/o Sri Rajgyan Singh, R/o Vill. Chhitrauli P.S. Bhagawanpur, Dist. Vaishali. At Present Middle School, Ratnapura, P.S. Bhagwanpur, Dist. Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar Patna.
2. The Director, Primary Education, Bihar, Patna
3. The District Education Officer, Vaishali
4. The Block Education Extension Officer, Chehrakalan Block, Dist. Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ram Shankar Das, Advocate
For the State	:	Mr. Kamlesh Kishore, AC to SC-12

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 30-10-2023

1. Heard learned counsel for the petitioners and learned counsel for the respondents.

2. The petitioners by filing the instant writ application pray for a direction to the respondents for payment of their salary in the matric trained scale.

3. The case of the petitioners in brief is that they are physical trained teachers and inspite of repeated requests by them, the respondent Department failed to accommodate the petitioners by providing them one year short-term training. It is



thus submitted that they cannot be denied the benefit of matric trained scale for inaction on part of the respondent authorities.

4. Referring to the counter affidavit filed on behalf of the District Education Officer, Vaishali (respondent no.3) and the Block Education Extension Officer, Chehrakalan Block, District-Vaishali (respondent no.4) and more particularly the Division Bench judgment of this Court dated 26.9.2011 (Annexure-A) passed in CWJC no. 6985 of 1997 and analogous cases, learned counsel for the respondents refers to and relies upon paragraph no.11 thereof, which is reproduced herein below for ready reference:-

“11. In view of the facts and circumstances of the case, looking to the consistent views of this Court on the relevant issue and observing principle of stare decisis (abide by the decisions, to stand by decided cases, to uphold precedents, to maintain former adjudications), there is no option but to follow the judgment reported in Binod Singh's case (supra) approved by the Division Bench of this Court. It is, therefore, held that the primary teachers having training only in physical education and not having the qualification of B.Ed. are not entitled to matric trained scale.” (emphasis supplied)

5. It is thus submitted that there is no merit in the instant writ application and the same be dismissed.



6. Having heard learned counsel for the parties and taking into consideration the facts of the case, there being no dispute with respect to the fact neither of the two petitioners have B.Ed. as their qualification, the Court finds substance in the submissions made on behalf of the respondents. In view of the aforesaid decision of the Division Bench dated 26.9.2011, passed in CWJC no. 6985 of 1997, the Court finds no merit in the instant writ application and the same is dismissed.

(Partha Sarthy, J)

avinash/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	31.10.2023
Transmission Date	N/A

