

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1080 of 2018

In
Civil Writ Jurisdiction Case No.18821 of 2010

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1. Ram Pukar Choudhary and Ors Son of Late Bachoolal Choudhary, Resident of C.D.A. Colony, North Shashtri Nagar, P.S. Shashtri Nagar, Patna, at Present Working as Lecturer, Selection Grade at Govt. Polytechnic, Chapra.
 2. Chandrika Rawat. Son of Janki Rawat, Resident of Village-Sheosona, P.S. Halsi, District Lakshisarai, at Present Working as Lecturer, Selection Grade, at Government Polytechnic, Muzaffarpur.
 3. Rama Shankar Singh, Son of Late Rameshwar Singh, Resident of Village and P.O. Moudihan, P.S. Nokha, District-Rohtas, at Present Working as Lecturer, Selection Grade, at Govt. Polytechnic, Gulzarbagh, Patna now Deputy Director, Technical, Department of Science and Technology, Govt. of Bihar, Patna.

... .. Appellant/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of Science and Technology, Govt. of Bihar, Technology Bhawan, Patna
3. The Director, Department of Science and Technology, Govt. of Bihar, Technology Bhawan, Patna.
4. The Deputy Secretary, Department of Science and Technology, Govt. of Bihar, Technology Bhawan, Patna
5. Bihar Public Service Commission, Bailey Road, Patna through its Chairman.
6. The Chairman, Bihar Public Service Commission Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Braj Kishore Prasad Sinha, Advocate
For the Respondent/s	:	Mr. Mritunjay Kumar, AC to AAG-6
For the BPSC	:	Mr. Sanjay Pandey, Advocate
		Mr. Nishant Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 03-01-2023

On 13.12.2022 following order was passed:-

“Crux of the matter in the present lis is whether appellants are entitled to alteration of date



of Lecturer(senior scale) from 01.01.1998, 27.09.1998 and 28.03.1998 to that of 06.10.1995 and 07.10.1995 and 01.01.1996 or not?

Appellants fulfilled Clause 1 of 8.2 Clause relating to grant of Lecturer (senior scale) and criteria as on the date on which they were claiming is for the reasons that their initial appointment was during the period from the year 1987-1988. First qualification is six years of service after regular appointment as a Lecturer, in the event of acquisition of Ph.D. and one year of M.Phil/M.E./M.Tech., there would be relaxation of two years. The relaxation qualification is not possessed by the appellants. The next qualification is participation in one orientation course/induction training and one refresher course or industrial training of aggregate during of eight weeks etc.

Respondents are hereby directed to produce material information in so far as acquisition of later qualification that appellants have undergone orientation course/induction training and one refresher court or industrial training of aggregate course so as to ascertain whether the appellants are entitled to pre-ponement of their date of promotion to the post of Lecturer (senior scale) or not? Further respondents are hereby directed to apprise this Court what is the mode of sending a Lecturer to acquire one orientation course/induction training and one refresher course or industrial training as to whether is it by seniority among the Lecturers. In this regard, any circulars or any material information is available or not, for the reasons that a Lecturer cannot acquire the second qualification cited supra on his or her own and it is beyond his or her control. In other words, concerned official who is competent to send a Lecturer to acquire the second qualification, Lecturer is not in a position to acquire qualification on his own.

Personal appearance of Secretary, Mr. Lokesh Kumar Singh, I.A.S. Secretary, Department of SC & Tech., Govt, of Bihar, Patna stands dispensed until further orders.

Re-list this matter on 03.01.2023.”



Today learned counsel for the respondent filed second supplementary counter affidavit on behalf of respondent nos. 1 to 4
Para 14 reads as under:-

“14. That the appellants have participated in training programmes as follows:

Sr. No	Name of the Appellant	Training Period
1.	Ram Pukar Chaudhary, presently posted as Lecturer-cum-In-charge Principal, Government Polytechnic, Siwan	15.11.1994 to 19.11.1994 (1W) 01.03.1995 to 04.03.1995 (4D) 09.09.1996 to 11.09.1996 (3D) 12.09.1996 to 14.09.1996 (3D) 02.12.1996 to 07.12.1996 (1W) 01.09.1997 to 26.09.1997 (4W) 26.12.1997 to 31.12.1997 (1W) (Completed 8 weeks on 31.12.1997 and given promotion w.e.f. 1.1.1998)
2.	Chandrika Rawat, presently posted as Lecturer (Mechanical) Government Polytechnic, Muzaffarpur	12.12.1994 to 23.12.1994 (2W) 01.09.1997 to 26.09.1997 (4 W) 26.12.1997 to 31.12.1997 (1 W) 22.09.1998 to 26.09.1998 (1 W) (Completed 8 weeks on 26.09.1998 and given promotion w.e.f. 1.8.1998)
3.	Rama Shankar Singh, (Lecturer) presently posted as Dy-Director (Technical	01.03.1995 to 04.03.1995 (4 D) 09.09.1996 to 11.09.1996



	Science and Technology Department, Govt, of Bihar.	(3 D) 12.09.1996 to 14.09.1996 (3 D) 15.09.1997 to 26.09.1997 (2 W) 26.12.1997 to 31.12.1997 (1 W) 02.03.1998 to 27.03.1998 (4 W) (Completed 8 weeks on 27.03.1998 and given promotion w.e.f. 1.4.1998)
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In the light of training period mentioned against each of the appellant it is revealed that date of promotion to the post of Lecturer (Senior Scale) is in order.

At this stage, learned counsel for the appellant submitted that appellants have been drafted to acquire M.Tech qualification. Once they have completed M.Tech course of eight weeks that should be treated as qualification for the purpose of assigning Lecturer (Senior Scale). On the other hand, Para 8.2 of AICTE notification on revision of pay-scale and associated terms and conditions of service of teachers, librarians and physical education personnel for diploma level technical institution reads as under:-

“A lecturer will be eligible for placement as Lecturer (Senior Scale), through a process of selection if he/she has:
(i) Completed 6 years of service after regular appointment as a Lecturer, with relaxation



of 2 years for those with Ph.D. and one year for those with M.Phil/M.E./M.Tech.

(ii) Participated in one orientation course/induction training and one refresher course or industrial training of aggregate duration of 8 weeks, or has undertaken other appropriate continuing education or training programmes of comparable quality and duration as may be specified or approved by AICTE. Those with Ph.D. degree would be exempted from these course/training requirements. ”

In the light of the aforesaid clauses there is no criteria that if a lecturer who has been drafted to acquire M.Phil/ME/M.Tech course and as and when he or she completed eight weeks of M.Phil/ME/M.Tech course the same is required to be taken into consideration for the purpose of assigning Lecturer (Senior Scale). Therefore, the appellants have not made out a case so as to prepone their assignment of date of Lecturer (Senior Scale) as claimed by them.

Accordingly, the present LPA No. 1080 of 2018 stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2023
Transmission Date	NA

