

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11540 of 2022

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Lakshmi Kumari W/o Lakhan Mandal, R/o Ward No. 12, Nirmali, P.S. - Nirmali, District - Supaul, presently posted as Assistant Teacher in Middle School Nirmali, District - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through The Additional Chief-Cum-Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The Director (Primary Education), Government of Bihar, Patna.
4. The District Education Officer, Supaul.
5. The District Programme Officer (Establishment), Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Kumar, Advocate.
For the Respondent/s : Mr. Madanjeet Kumar, GP-20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 11-05-2023 Heard learned counsel for the parties concerned.

Petitioner who is primary teacher and was appointed in 1994 has filed the present writ application for grant of MACP/ACP pursuant to the resolution No. 45 contained in Memo No. 1071 dated 7.10.2021 whereby the 3rd upgradation is to be granted to the teachers of elementary school of Bihar who have completed 30 years of service.

Learned counsel for the petitioner submits that the petitioner has completed more than 25 years of service and she is entitled to be given two financial upgradation to the resolution in question.

A counter affidavit has been filed by the



respondent/State stating therein that in implementation of the resolution issued by the Education Department as contained in Memo No. 1071 dated 7.10.2021, there is several practical difficulties and, accordingly, the District Education Officer, Supaul, has sought guidelines from the Director Primary Education (Bihar), Patna, vide his letter dated 16.8.2022 and reminders dated 25.4.2022 and 26.8.2022 respectively, but no guidelines has yet been given by the Director Primary Education.

Having heard learned counsel for the parties and taking into consideration the nature of prayer made in the writ application, this writ application is disposed with liberty to the petitioner to file a detailed representation before the Director, Primary Education, Bihar, Patna within a period of four weeks and if such a representation is filed along with the necessary details, the Director of Primary Education is directed to dispose the same in accordance with law within a period of two months from the date of receipt of the representation.

(Anil Kumar Sinha, J)

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