

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3659 of 2020

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Syayam Prakash Ojha, Son of Late Sachchidanand Ojha, Resident of village-
Nanori, PS- Dhanarua, District- Patna at present posted as Block Teacher
Middle School, Nanori under Anchal- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, Bihar.
2. The Additional Chief Secretary cum- Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Department of Education, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Saran Division, Saran at Chapra.
5. The District Education Officer, Patna.
6. The District Programme Officer (Establishment), Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bishnu Kant Dubey, Adv.
For the Respondent/s : Mr.Jitendra Kumar Roy (Sc13)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 02-09-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ petition has been filed for issuance of a writ in the nature of certiorari to quash order contained in memo no. 457 dated 04.02.2019 issued under the signature of District Education Officer, Patna whereby claim of the petitioner for conversion/posting/appointment on the regular pay scale in compliance of order of this Court passed in C.W.J.C. No. 5744 of 2009 vide order dated 08.01.2010 has been denied and for issuance of a consequential writ in the nature of mandamus



directing and commanding the respondents to convert/post/appoint the petitioner on the post of regular Assistant Teacher in regular pay scale pursuant to the order/direction of this Court passed in C.W.J.C. No. 5744 of 2009 dated 08.01.2010 giving same, similar and equitable treatment given to others and make payment of salary current as also arrears and/or for issuance of a writ/order/direction for which the petitioner may be found legally entitled to under the facts stated above hereunder.

3. Learned counsel for the petitioner submits that the petitioner's case is squarely covered by a judgment passed in CWJC No. 8963 of 2018 (Chandra Shekhar Azad & Ors. Vs. The State of Bihar & Ors.) and LPA No. 1472 of 2015 (The State of Bihar & Ors. Vs. Rituraj Saurav & Anr.)

4. Considering the facts and circumstances of the case and the materials available on record, I have no option but to set aside the memo no. 457 dated 04.02.2019 passed by the District Education Officer, Patna. The respondent no. 3, the Director, Primary Education, Department of Education, Government of Bihar, Patna is directed to grant the regular pay scale to the petitioner within a period of four weeks from the date of receipt/production of a copy of this order.



5. With the aforesaid observations and directions, this writ petition is allowed.

(Anjani Kumar Sharan, J)

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