

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4250 of 2020

Ganesh Prasad Singh, S/o Late Shiv Shankar Prasad Singh, resident of -
Maruti Nagar, Near Baidyanath Bhawan, Chairyatard, P.S.- Jakknapur,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department having his office at Vikas Bhawan, P.S.- Sachivalaya, District- Patna.
2. The Principal Secretary Finance, Govt. of Bihar having his office at Old Secretariat, P.S.- Sachivalaya, District- Patna.
3. The Director, Administration Cum Additional Secretary, Education Department having his office at Vikas Bhawan, P.S.- Sachivalaya, District- Patna.
4. The Director, State Council of Education Research and Training having his office at Mahendru, P.S.- Sultanganj, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Samir Kumar, Adv.
	:	Mr. Abhimanyu Deo, Adv.
For the Respondent/s	:	Mr. Madanjeet Kumar (GP20)
	:	Mr. Anil Kumar, AC to GP20

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 08-08-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has filed the present writ petition for quashing the order contained in Memo No.1440 dated 11.10.2018 (annexure-11) issued by the Director, State Council of Education Research and Training (respondent No.4). The crux of this case is that lower pay scale has been granted to the petitioner and due to this reason, the entire A.C.P. /M.A.C.P. has been disturbed and he has filed the writ petition for making correction in the pay scale as well as for grant of consequential reliefs attached with him.

3. Counsel for the petitioner fairly submits that the he



has moved earlier before this Hon'ble Court in C.W.J.C. No.4813 of 2017 in which vide order dated 03.04.2018, the petitioner was directed to file a composite representation before the respondent and respondent was further instructed that if petitioner found entitled for any consequential benefits, then the said benefits be granted in 4 weeks by way of passing of final order.

4. Counsel further submits that in compliance of the order passed by this Hon'ble Court dated 03.04.2018 in C.W.J.C. No.4813 of 2017, he has filed representation and in result, the order has been passed contained in Memo No.1440 dated 11.10.2018 along with one corrigendum order which is Memo No.1830 dated 21.12.2018. He further submits that wrong fixation has been made treating the petitioner as non-gazetted, whereas by way of supplementary affidavit, the petitioner has annexed Annexure-19, by which he has attached a letter vide Memo No.759(24) dated 15.12.2014 by which it transpires that the petitioner has joined service on the Gazetted post dated 15.12.1992.

5. Counsel further submits that this aspect has completely been ignored by the respondent and it is due to this reason, wrong fixation has been made.

6. Counsel for the State on the other hand submits that the service of the petitioner was subsequently adjusted in the



SCERT, Bihar as the department in which he has joined, has closed.

7. It is very surprising for this Court that when the petitioner has joined on a gazetted post, then how his adjustment could be made on the non-gazetted post, but this aspect has completely been lacking in the letter contained in Memo No.1440 dated 11.10.2018 and its corrigendum letter also.

8. In this view of the matter, let the order contained in Memo No.1440 dated 11.10.2018 and its corrigendum letter vide Memo No.1830 dated 21.12.2018 are hereby set aside, directing the petitioner to file his fresh representation before the respondent No.4 annexing all his documents from the date of his initial joining and pleading about subsequent development took place in his service, within 30 days from today and respondent No.4 is directed to pass a reasoned and speaking order within 90 days, considering all the documents presented by the petitioner along with this order.

9. With the aforesaid observations and directions, the present writ petition stands allowed.

(Dr. Anshuman, J.)

Prakashmani/-

U			
---	--	--	--

