

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6414 of 2021

=====

Devendra Prasad Singh S/o Late Ram Khelawan Prasad Singh Resident of
Village- Mokama, P.S.- Mokama, Dist- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Bihar, Patna.
2. The Addl. Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The Regional Deputy Director of Education, Bihar, Patna.
6. The District Magistrate, Patna.
7. The District Education Officer, Patna.
8. The District Programme Officer (Establishment), Patna.
9. The Block Education Officer-cum-Drawing and Disbursing Officer, Mokama, Dist- Patna.
10. The Accountant General, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dineshwar Prasad Singh, Adv.
For the Respondent/s : Mr. Madhaw Prasad Yadaw, GP 23

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 23-09-2024

Heard Dineshwar Prasad Singh, learned Advocate for the petitioner and Mr. Madhaw Prasad Yadaw, learned GP 23 for the State.

2. The writ petition has been preferred for a direction upon the respondent authorities to grant arrears/ retiral benefits to the petitioner after according senior selection grade promotion with effect from 20.10.1995.

3. Learned Advocate for the petitioner contended that



the petitioner was duly appointed on the post of Assistant Teacher in Dhaurani Tola Lower Primary School, Mokama on 13.01.1956. The petitioner, thereafter, had passed Teachers Training Examination in the year 1965. Since then the petitioner has been getting his salary in the Trained Teacher Scale till the date of his retirement i.e., on 28.02.1999. Adverting to the averments made in the writ petition, learned Advocate further contended that in the light of the resolution dated 30.12.1981 issued by the Finance Department as also in view of the notification No. 2440 dated 18.12.1984 issued by the Commissioner, Education Department, Government of Bihar directing all the concerned to grant promotion in selection grade to all the Matric Trained Teachers, who have completed 12 years of service on or before 31.03.1981; the petitioner was accorded the pay scale of junior selection grade, but despite the petitioner being eligible has not been accorded the benefit of senior selection grade with effect from 01.04.1993.

4. Learned Advocate for the State referring to the averments made in the counter affidavit filed on behalf of respondent nos. 7 and 8 countered the afore-noted submissions and vigorously contended that the grievance of the petitioner was duly considered by the District Programme Officer



(Establishment), Patna and on being found that the petitioner, a Matric Trained Teacher, have not completed Graduation; hence extending the benefit of Senior Selection Grade Promotion would not arise. Unless the petitioner would have completed 18 years of satisfactory service with effect from 01.01.1986, no benefit under Senior Selection Grade is permissible. The petitioner had already superannuated on 28.02.1999, thus he has not completed 18 years of service. Accordingly, the claim of the petitioner has turned down vide Memo No. 3568 dated 16.03.2024, in the light of the provisions of the Bihar Nationalized Primary School Teachers' Promotion Rules, 1993. Copy of the order has been marked as Annexure R/A to the counter affidavit.

5. In view of the averments made in the counter affidavit as also considering the submissions advanced on behalf of the respective parties, this Court does not find any error in the impugned order. Accordingly, the writ petition stands dismissed.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	26 .09.2024
Transmission Date	

