

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6294 of 2021

Md. Shahbaz Alam Son of Late Md. Rafique Ansari Resident of Village- Dahua, P.O.- Dahua, P.S.- Bounsi, District- Banka. Presently posted as Assistant Teacher, Middle School, Kairi, Block- Bounsi, P.S.- Bounsi, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Education, Government of Bihar, Patna.
4. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
5. The Director, Primary Education, Government of Bihar, Patna.
6. The District Magistrate, Banka.
7. The Regional Deputy Director of Education, Bhagalpur.
8. The District Education Officer, Banka.
9. The District Programme Officer (Establishment), Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan
For the Respondent/s : Mr.Subhash Chandra Mishra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-07-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. At the outset, learned counsel for the petitioner submits that the case of the petitioner is squarely covered by the judgment passed by the co-ordinate bench of this Court in Abdus Samad v. The State of Bihar & Ors. in CWJC No.7322 of 2017 dated 11.04.2018. Learned counsel further submits that



against the order passed in CWJC No.7322 of 2017, the State filed an L.P.A., which was withdrawn and Review application was also dismissed.

3. Learned counsel next submits that the other cases of similarly situated teachers have been decided in terms of Abdus Samad case by this Court in CWJC No.5092 of 2020.

4. The petitioner has filed the present writ petition for a direction to the respondents to grant Matric Trained Scale to the petitioner from the date of completion of three years of his initial appointment on the post of Assistant Teacher.

5. Learned counsel for the State submits that in terms of Abdus Samad case, the petitioner may be directed to file a representation before the District Programme Officer (Establishment), Banka (respondent no.9).

6. Having heard the parties, the petitioner is directed to approach the respondent no.9 by filing a representation within a period of four weeks, which shall be decided by the respondent no.9 within a period of ten weeks from the date of receipt of the representation.

7. If it is found that the case of the petitioner is covered by the Abdus Samad case, then similar benefits shall be granted to the petitioner.



8. With the aforesaid observation and direction, the present writ petition stands disposed of.

(Anjani Kumar Sharan, J)

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