

N THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8377 of 2019

1. Nandveer Tiwari S/o Pancha Tiwari Resident of - Uttam Nagar, Bhagawanpur, P.S.- Mushahari, Dist- Muzaffarpur, At Present posted as Primary Teacher in Primary School, Casbatola, Laloo Chhapara, P.S.- Paroo, Dist.- Muzaffarpur.
2. Mukesh Kumar S/o Ramchandra Prasad Singh Resident of Bajarangpuram, Road No-2 Bhagawanpur, Dist- Muzaffarpur, At present posted as Block Teacher in govt, Middle School, Barhatiya Majhauri, Vaishali, Dist- Vaishali.
3. Jai Shankar Singh S/o Sudershan Singh Resident of Bajarangpuram, Road No- 2, Rewa Road, Bhagawanpur, Dist- Muzaffarpur. At present posted as Block Teacher in Upgraded Middle School, Narayanpur, P.S- Dumariyaghat, Block- Keshsariya, Dist- East Champaran.
4. Shashi Bhushan Kumar Mishra S/o Late Narendra Kumar Mishra Resident of Village and Post- Hardi, P.S- Kathaia, Dist- Muzaffarpur. At present posted as Primary Teacher in Primary School Bajitpur Kashi Singh ka Tola, Paroo, Dist- Muzaffarpur.
5. Ranjeet Kumar S/o Sudista Narayan Sharma Resident of - Haripur Krishna, P.S- Sakra, Dist- Muzaffarpur, At present posted as Primary Teacher, Primary School Siho, Sakra, Dist- Muzaffarpur.
6. Mithilesh Kumar Tiwari S/o Late Ram Chandra Tiwari Resident of Village - Matauli, P.S- Sidhwaliya, Dist- Gopalganj. At Present posted as Block Teacher in middle School Jalalpur, Block-Sidhwaliya, Dist- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary Education Department, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The Secretary (expenditure) Finance Department, Govt. of Bihar, Patna.
5. The Principal Secretary Finance Department, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bijay Shankar Choubey
For the State : Mr. Abhanjalli

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 08-04-2024

Heard learned counsels for the parties.

2. The petitioners have prayed for following relief(s):



I) For the issuance of appropriate writ/writs, order/orders, direction/directions in the nature of writ of mandamus directing and commanding the respondent authorities for grant of same pay scale, same pay band and similar benefits of increments to the writ petitioners w.e.f. 01.07.2015, which has been sanctioned by the State Government for similar situated Niyojit Teachers, who were appointed along with the writ petitioners, but at the time of their appointment, they had the qualification of trained graduate, whereas the petitioners, who were also trained graduate teachers at the time of their initial appointment in 2006 have been discriminated.

II) For issuance of a direction for a declaration that if other teachers, who were graduate at the time of initial entry in service as a Panchayat Teacher and they had obtained a degree of Bachelor of Education have been granted the pay scale of Rs. 5200-20,000 plus grade pay of Rs. 2400, the writ petitioners, who were also a trained graduate teacher at the time of their initial appointment cannot be put in a different pay scale of Rs. 5200-20200 with the grade pay scale of Rs. 2000 and the aforesaid action of the respondent State is discriminatory and is in violation of Article



14 read with Article 39(1)(d) of the Constitution of India.

III) For issuance of a direction for declaration that if a Shiksha Mitra, who was appointed in the year 2005 or 2006 with untrained qualification has been granted the benefit of 3 increments, who were admittedly granted the fixed salary lesser than the trained teachers appointed in the year 2006 and they have obtained their training certificates even until 2015, the petitioners who were trained on the date of their appointment in 2006 itself cannot be put in disadvantageous position by granting the benefits of only two increments which would ultimately result in payment of lower pay scale of the petitioners in comparison to other Panchayat Shiksha Mitra, who were appointed before 01.07.2006.

IV) For issuance of other appropriate writ/writs, order/orders, direction/directions for which the petitioners shall be found entitled under facts and circumstances of the case stated and enumerated hereinafter.

3. After hearing learned counsel for the petitioners and also perusing the contents of the writ application, it appears that the petitioners have already filed a detailed representation, as contained in Annexure 6 to the writ petition, before the Director,



Primary Education, Government of Bihar, Patna (Respondent no.3), but till date, nothing was done nor any information in this regard has been given to them.

4. Considering the facts abovementioned, I dispose of the present writ application with a direction to the respondent no.3 to consider the representation of the petitioners after affording opportunity of personal hearing or through their counsel and pass a reasoned and speaking order in accordance with law within a period of ten weeks from the date of receipt/production of a copy of this order.

5. It is made clear that respondent no.3 shall be liable for non-compliance of this order within the stipulated period.

6. With the aforesaid directions, this application stands disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.04.2024
Transmission Date	NA

