

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5720 of 2019

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Rubi Kumari D/o Mahadeo Mishra and Wife of Bhawesh Kant Pathak
resident of Village- Adarsh Nagar, P.S.- Rahika, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resource Development, Bihar, Patna.
2. The Principal Secretary, Department of Human Resource Development, Bihar, Patna.
3. The Secretary, Primary Education, Department of Human Resource Development, Bihar, Patna.
4. The Director, Primary Education, Department of Human Resource Development, Bihar, Patna.
5. The District Education Officer, Madhubani.
6. The District Program Officer, Establishment, Madhubani.
7. Block Development Officer, Bisfi, Madhubani.
8. Block Education Extension Officer cum Block Education Officer, Bisfi, Madhubani.
9. The Headmaster, Middle School, Belauja, Madhubani.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 17709 of 2021

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Rajesh Kumar Pandey S/o Shri Bhubnesh Pandey R/o- Village and P.O.-
Bherokhara, P.S.- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director Primary Education, Government of Bihar, Patna.
4. The District Magistrate Samastipur, District- Samastipur.
5. The District Education Officer Samastipur, District- Samastipur.
6. The District Programme Officer, (Establishment) Samastipur, District- Samastipur.
7. The Block Development Officer Tajpur, District- Samastipur.
8. The Block Education Officer Tajpur, District- Samastipur.



... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 5720 of 2019)

For the Petitioner/s : Mr. Sanjay Kumar Singh
: Shri V.N.P. Sinha
: Mr. Sanjay Kumar Singh
: Mr. Rajesh Kumar

For the Respondent/s : Mr.Ashutosh Ranjan Pandey (Aag15)

(In Civil Writ Jurisdiction Case No. 17709 of 2021)

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Respondent/s : Smt. Binita Singh (Sc28)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 8 06-02-2024 1. Heard the parties.
2. The petitioner was appointed as block teacher on 10.03.2007 under Bihar Panchayat Primary Teacher (Employment and Service Conditions) Rules, 2006, by the Panchayat Samiti and was posted in a middle school Belauja.
3. The grievance of the petitioner is that the petitioner is not being paid the remuneration fixed for the prakhand teacher as per Bihar Panchayat Primary Teacher (Employment and Service Conditions) Rules, 2006, inasmuch as the petitioner is B.Sc. trained teacher and has been working in the middle school Belauja, Madhubani.
4. Learned senior counsel appearing for the petitioner submits that as per Rule 4(1) of Bihar Panchayat Primary Teacher (Employment and Service Conditions) Rules, 2006, block teachers are appointed in the middle school



by the Panchayat Samiti and the panchayat teachers are appointed in the primary schools by the Gram Panchayat. Rule 8 of the Bihar Panchayat Primary Teacher (Employment and Service Conditions) Rules, 2006, prescribes the minimum qualification for block teacher which includes the graduation and B.Ed. degree. The remuneration fixed for the panchayat untrained teachers and a block untrained teachers as well as trained teachers are fixed under Rule 12 and the trained block teacher is entitled to get Rs. 5,000/- per month whereas untrained teachers were entitled to get Rs. 4,000/- per month.

5. The petitioner was getting Rs. 5,000/- per month being the trained teacher working in the middle school as a block teacher, however, after coming into force the Bihar Panchayat Primary Teacher (Appointment and Service Conditions) Rules, 2012, the petitioner is not being paid the requisite remuneration as prescribed in Bihar Panchayat Primary Teacher (Appointment and Service Conditions) Rules, 2012 (in short Rule 2012), and instead of the remuneration fixed for the graduate trained teacher, as per Rule 2012, the petitioner is being paid the remuneration of a basic grade teacher.



6. Referring to Rule 15, learned senior counsel submits that the trained basic grade teacher is entitled for Rs. 7,000/- and trained graduate teacher is entitled for Rs. 8,000/- per month which has subsequently been increased by amendment in Bihar Panchayat Primary Teacher (Appointment and Service Conditions) Rules, 2012. The petitioner is not being paid the graduate trained teacher grade since 2012 which, according to learned senior counsel, should be Rs. 8,000/- plus the increase in the remuneration from time to time.
7. Learned counsel for the State submits that the petitioner is working as trained basic grade teacher and the payment has been made as per the basic grade in view of the Rule 2012. Referring to Rule 15 Cha 1, learned counsel submits that the trained basic grade teacher shall be promoted in graduate pay after completion of twelve years service under the same grade whereas untrained basic grade teacher shall get promotion from the date of passing the training.
8. I have heard learned counsel for the parties, it is not in dispute that the petitioner was appointed in the middle school by the Panchayat Samiti as a graduate trained



teacher. At the time of her appointment, she was given the remuneration meant for graduate trained teacher of middle school which was Rs. 5,000/- per month whereas the teacher appointed in basic grade were getting Rs. 4,000/- per month. The petitioner continued to get graduate trained teacher remuneration upto 2011 and after 2011, when new Rule of 2012 came into force, the petitioner is not being given the remuneration meant for the graduate trained teacher on the ground that the petitioner services shall be treated as a basic grade trained teacher.

9. The argument of the learned counsel for the State is not acceptable for the reason that Rule 15 Cha 1 is meant for promotion whereas from the very inception, the petitioner was getting the pay applicable for the graduate trained teacher while working in the middle school. In that view of the matter, after coming into force the Bihar Panchayat Primary Teacher (Appointment and Service Conditions) Rules, 2012, the petitioner is entitled to be paid the same remuneration as meant for graduate trained teacher under Rule 15 A-1 which initially was Rs. 8,000/- per month (graduate grade trained teacher).



10. Taking into consideration, the aforesaid discussion, I come to the conclusion that the petitioner is entitled to get the remuneration fixed for the graduate trained teacher in Rule 12, at Rs. 8,000/- and with subsequent increase, if any, from time to time. In the result, the concerned respondents are directed to calculate the remuneration of the petitioner at the rate of Rs. 8,000/- w.e.f. year 2012 and subsequent increment and to pay her the arrears of balance amount after deducting the amount of remuneration which has already been paid to the petitioner within a period of two months from the date of receipt/production of a copy of this order.

(Anil Kumar Sinha, J)

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