

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6221 of 2023

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1. Mohanish Kumar Son of Late Mahesh Kumar Singh Resident of ward no. 1, Gogri, Baltara, Police Station- Gogri, District- Khagaria, at present posted and working as an Assistant Teacher in Govt. of Middle School Baltara, Anchal- Gogari, District- Khagaria.
 2. Deepak Kumar Chaudhary, Son of Late Shiva Kant Choudhary Resident of Village- Choudhary Tola, P.O.- Dumaria Bujurg, Police Station- Parbatta, District- Khagaria, at present posted and working as an Assistant Teacher in Govt. Kanya Middle School Dumaria Bujurg, Anchal- Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary-cum-Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The District Education Officer, Khagaria.
6. The District Programme Officer (Establishment), Khagaria.
7. The Block Education Officer, Khagaria, District- Khagaria.
8. The Block Education Officer, Gogari, District- Khagaria.
9. The District Accounts Officer, Khagaria.
10. The District Treasury Officer, Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr.Madan Jeet Kumar (GP- 20)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-11-2024 Heard learned counsel for the petitioners and learned
counsel for the respondents.

2. This writ petition has been filed for following
reliefs:-

*“I. For issuance of an appropriate writ in the
nature of certiorari for quashing the order dated*



26.09.2022 passed by the learned State Appellate Authority, Bihar, Patna in O.A. No. 326 of 2022 (Mohanish Kumar and Anr. vs. the State of Bihar and Others), by which, the application preferred by the petitioners for grant of matric trained pay scale after completion of three years of service in the light of the order passed by this Hon'ble High Court in C.W.J.C. 7322/ 2017 (Abdus Samad vs. The State of Bihar and Others), has been rejected without proper appreciation of the facts of the case as well as the fact that some of the similarly situated teachers have already been provided the said benefits and further the learned State Appellate Authority, Bihar, Patna without any assigning reasons, has dismissed the Writ petition preferred by the petitioners.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to provide at least matric trained pay scale to the petitioners after completion of three years of service from the date of their appointments as in the appointment letter itself, it has categorically been mentioned that immediately after their appointment, the teachers will be sent for in service training course but the petitioners have been sent for in service training course belatedly through IGNOU for the session 2008-10 after lapse of more than three years and the result of the petitioners were published in the year 2012.

III. For commanding and directing the respondent authorities concerned as an appropriate writ as an alternative prayer of the petitioners for directing the respondent authorities concerned to provide at least matric trained pay scale after three years from the date of joining as the ratio decided by this Hon'ble Court passed in C.W.J.C. 7322/ 2017 (Abdus Samad vs. The State of Bihar and Others) on 11.4.2018, by which, the Hon'ble High Court has directed for providing at least matric trained pay scale after completion of three years from the date of joining and the case of the petitioners is fully covered by the aforesaid order and the appeal preferred by the State against the aforesaid order vide L.P.A. No. 502 of 2021 (The State of Bihar and Ors. vs. Abdus Samad) stood dismissed as withdrawn vide order dated 08.07.2022 and in implementation of the aforesaid order passed in C.W.J.C. 7322/2017 (Abdus Samad vs. The State of Bihar and Others), the aforesaid teacher, namely, Abdus Samad has already been granted matric trained pay scale after completion of three year of service from the date of joining. Furthermore, some of the similarly situated persons have also moved before



this Hon'ble High Court vide C.W.J.C. No. 21522 of 2019 (Durgesh Chandra Trinetrām and Anr. vs. the State of Bihar and Others), in which, the District Education Officer, Khagaria was directed to consider the claim of the petitioners therein and in the light of the aforesaid order the District Programme Officer (Establishment), Khagaria has issued memo no. 1737 dated 25.11.2020, by which, they have been granted matric trained pay scale after completion of three years from the date of their appointment and the case of the petitioners is exactly same and similar and they are also entitled for same and similar relief under Bihar State Litigation Policy, 2011, Rule 4(C)(1).

IV. For commanding and directing the respondent the District Education Officer, Khagaria or the District Programme Officer (Establishment), Khagaria to at least grant matric trained pay scale after completion of three years of their service from the date of joining, as has been done in the case of other similarly situated teachers as per the ratio decided by this Hon'ble High Court in C.W.J.C. 7322/2017 (Abdus Samad vs. The State of Bihar and Others) on 11.04.2018.

V. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to provide the same and similar benefits under Bihar State Litigation Policy, 2011 under Rule 4(c), as per the direction of the Hon'ble High Court Patna passed in C.W.J.C. 7322/2017 (Abdus Samad vs. The State of Bihar and Others), on 11.04.2018 and in the light of the order passed in C.W.J.C. No. 21522 of 2019 (Durgesh Chandra Trinetrām and Anr. vs. the State of Bihar and Others) disposed of on 21.01.2020, and, hence, the petitioners being similarly situated teachers, are also entitled for same and similar benefits i.e. matric trained pay scale after completion of three years of service from the date of joining, as there is lapses on the part of the respondent authorities concerned and for that the petitioners cannot be made to suffer.

VI. For issuance of any other writ/writs, order/orders, direction/directions for which the petitioners would be entitled in the facts and circumstances of the present case.”

3. Learned counsel for the petitioners submits that case of the petitioners is fully covered by order dated 11.04.2018 passed in C.W.J.C. No. 7322 of 2017 (Abdus Samad



vs. The State of Bihar & Ors.), Annexure – 4 to the writ petition as well as order dated 03.07.2019 passed in C.W.J.C. No. 13162 of 2019 (Satish Kumar Jha and Others vs. The State of Bihar and Others), Annexure – 5 to the writ petition.

4. In view of prayer made on behalf of petitioners, the writ petition stands disposed of with a direction to respondent no. 6 / District Programme Officer (Establishment), Khagaria to examine the case of the petitioners and pass appropriate order in accordance with law. If the case of the petitioners is found similar to the case of petitioners of aforesaid writ petitions, the same benefit shall be extended to the petitioners.

5. With above observation and direction, the writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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