

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16881 of 2015

1. Rama Shankar Prasad, son of Late Ram Jeetan Bhagat, resident of Village and P.O. Dhanauti, Police Station- Daraunda, District- Siwan, at present posted and working as an assistant teacher in Govt. upgraded Middle School Machhauta, Anchal- Daraunda, District- Siwan.
2. Rajendra Sah son of Late Shivjee Sah, resident of Village and P.O. and Police Station- Pachrukhi, District- Siwan, at present posted and working as an assistant teacher in Govt. upgraded Middle School Machhauta, Anchal- Daraunda, District- Siwan.
3. Mahip Kumar Giri son of Late SATYA Narayan Giri, resident of Village and P.O. Koireegawan, Police Station- Barharia, District- Siwan, at present posted and working as an assistant teacher in Govt. upgraded Middle School Tetalahi, Anchal- Barharia, District- Siwan.
4. Abdul Kadir son of Abdul Salam, resident of Village and P.O. Ratan Parauli, Police Station- Bhagwanpur Hat, District- Siwan, at present posted and working as an assistant teacher in Govt. upgraded Middle School Hussepur Urdu, Anchal- Goreyakothi, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Siwan.
4. The District Education Officer, Siwan.
5. The District Programme Officer, Establishment, Siwan.
6. The Block Education Officer, Daraunda, District- Siwan.
7. The Block Education Officer, Pachrukhi, District- Siwan.
8. The Block Education Officer, Barharia, District- Siwan.
9. The Block Education Officer, Goreyakothi, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr.A.P. Singh, Sc15

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-01-2024 Heard Mr. Umesh Kumar Mishra, learned counsel for

the petitioner and Mr. Vipin Kumar Singh, learned AC to SC 15

for the State.



2. The petitioners were serving as Assistant Teachers in the different schools in the district of Siwan and had preferred this writ petition for extension of ACP benefits to them.

3. The State counsel has taken this Court to the counter affidavit especially Paragraph 4 to show that the same was not extended to the teachers of the government schools.

4. Learned counsel for the petitioners has drawn attention of this Court to the Memo No. 1071 dated 07.10.2021 the resolution of the Education Department issued under the signature of its Deputy Secretary to show that the same has now been extended to the teachers also. He however concede that during the pendency of the writ petition, some of the petitioners have reached the age of superannuation but if they are extended the benefit notionally, it will drastically enhance their financial benefit. He as such intends to prefer a representation before the respondent authorities in the light of the resolution no. 10770 dated 30.12.1981.

5. Learned State counsel has also gone through the said resolution.

6. Having heard the rival parties, this Court is convinced that the matter needs reconsideration at the highest level i.e the respondent no. 2, the Director, Primary Education,



Bihar, Patna. The petitioners will be preferring their representation individually along with the relevant documents before the said respondents within four weeks from today.

7. If the said representation is/are filed, the respondent no. 4 shall decide the matter within a period of three months thereafter. The entitlement of their financial benefits will be subject to the passing of the order by the respondent no. 4.

8. In case, the respondent found their entitlement, the same has to be extended within the next eight weeks from the passing of the order.

9. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

Ranjeet/Jagdish

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