

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17052 of 2015

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Savita Kumari w/o- Nalin Kumar, Advocate, Resident of Mohalla- Janki Nagar, NH-28, Village- Khabra, P.O.- Khabra, P.S.- Sadar, District- Muzaffarpur presently posted as Prakhanda Teacher at Upgraded Middle School, Bhagwanpur, at Musahari Block, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education Department, Bihar, Patna.
4. The Regional Deputy Director, Education Department, Muzaffarpur.
5. The District Education Officer, Muzaffarpur.
6. The, Block Education Officer, Musahari Block, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Ritesh Kumar, SC-33 Mr. Ajeet Kumar, GA-9

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 4 12-02-2024 1. No one appears for the petitioner. Learned counsel for the respondents is present.
2. The petitioner has filed the instant application for the following relief(s):-

“I. For issuance of an appropriate writ in the nature of CERTIORARI for quashing as well as declaring Ultra Virus of the clause 2.8 of the Resolution no. 11/VI-08/2013- 1530, dated 11-08-2015, whereby and whereunder the Respondents have pleased to issue the said Resolution regarding the New Pay Scale for the Niyojit Teachers as well as Librarian with effect from 01-07-2015 with a rider condition of minimum two



years of the mandatory completion of the service for entitlement of the Grade Pay and further till completion of their 2 years of service all Trained Teachers would be treated as Untrained Teachers and entitle for only Pay Scale without Grade Pay similar to Untrained Teachers.

II. For a declaration that since the writ petitioner was appointed as a Niyojit Trained Prakhanda Primary Teacher in the Graduate Grade for class 6 to 8 was getting the highest fixed / consolidated remuneration due to her Graduate as well as trained status from the date of their initial joining with respect to any other category of Primary Niyojit Teacher even Trained or Untrained category is entitle for the Pay Scale with Grade Pay of Rs. 2400/- fixed for the Trained Graduate Prakhanda Teacher with effect from 01-07-2015.

III. For declaration of Clause 2.8 of the Resolution no. 1530 dated 11-08-2015 as Ultra Virus since the petitioner and other similarly situated Trained Graduate Grade Teacher were getting highest fixed/consolidated remuneration with respect to Untrained Trained Graduate Grade Teacher from their initial date of joining but now all of sudden vide clause 2.8 of the said Resolution both Trained as well as Untrained teachers would be only entitle for the Pay Scale without any Grade Pay i.e. preferential treatment especially in the matter of remuneration for the Trained category over Untrained category has been also squarely denied till the completion of their 2 years of service.

IV. For issuance of any other appropriate writ/writs,



order / orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the present case.”

3. Learned counsel for the State submits that so far as the letter dated 11.8.2015 which finds mention in paragraph no.1 of the instant writ application is concerned, the same was subject matter of an earlier case being CWJC no. 21199 of 2013 (The Bihar Secondary Teachers Struggle Committee & Ors. vs. the State of Bihar & Ors). The State of Bihar preferred an appeal in the Hon’ble Supreme Court being State of Bihar vs. Bihar Secondary Teachers Struggle Committee; (2019) 18 SCC 301. Learned counsel refers to paragraph nos. 48 and 107 of the said judgment.

4. As no one appears on behalf of the petitioner, the application stands dismissed for non prosecution.

(Partha Sarthy, J)

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