

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19791 of 2015

1. Md. Moizuddin and Ors son of Late Abdur Rahman Resident of Mohallla Islam Nagar, Post and P.S. Araria, District Araria, The Retired Assistant Teacher Hardai Nagar N. Tola P.S. Araria, District Araria.
2. Binod Anand Pathak, Son of Late Chandranand Pathak resident of Village Parsahat, P.S. Raniganj, District Araria, The Retired Teacher U. Mess Musharnia Bhargama P.S. Bhargama District Araria.
3. Sachita Nand Jha Son of late Purnanand Jha, Resident of village Bela Champawati, P.S. Dhamdhaha, District Purnea, The Retired Teacher Middle School Sirsia Kala Bhargama P.S. Bhargama District Araria.
4. Badrud Doja, Son of Late Md. Altaf Hussian, Resident of village Gaiyari, P.S. Araria, District Araria , The working Teacher Middle School Hyatpur, P.S. Araria, District Araria
5. Md. Mahboobun Nabi, Son of Late Sheikh Nabi Hasdsan, Resident of Village Belwa, Moh- Millet Nagar Araria, P.S. Araria, District Araria, Science Teacher Middle School Jay Prakash Nagar Araria P.S. Araria, District Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Finance Secretary, Finance Department Govt. of Bihar, Patna.
3. The Director, Primary Education, Education Department Govt. of Bihar, Patna.
4. The District Education Officer Araria, District Araria.
5. The District Programme Officer Establishment Araria District Araria.
6. The District Account Officer Purnea, District Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar
For the Respondent/s : Mr. Sarvesh Kumar, GP 24

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 01-04-2024 1. Heard learned Counsel for the parties concerned.
2. The petitioners are teachers appointed in the Middle Schools between 1976 and 1977. They are aggrieved by the reduction of their salary fixed by the District Superintendent of Education, Purnea, by respondent no. 7, the District Accounts Officer, Purnea.



3. Learned Counsel for the petitioners submits that the recommendation of the Fifth Pay Revision Committee report was accepted by the State Government by resolution, dated 18.12.1989 and pay scale of intermediate was abolished and uniform pay scale of 1200-2400 was introduced. The pay scale of 1400-2600 was introduced on completion of 12 years of service. On 08.02.1999, the Fitment Committee report was accepted by the State Government and accordingly, the pay scale of 1400-2600 was revised in the pay scale of 5000-8000 with effect from 01.01.1996.
4. The petitioners were drawing their salary in the pay scale of 1400-2600 as on 31.12.1995 and accordingly they were granted the benefits of fixation of their pay scale in 5000-8000 with effect from 01.01.1996. On the basis of pay scale of 5000-8000, the salary of the petitioners were fixed by the District Superintendent of Education, Purnea, at Rs. 6,650/- (petitioner no. 1), Rs. 6,375/- (petitioner nos. 2 and 3), Rs. 6,350 (petitioner no. 4) and Rs. 6,500/- (petitioner no. 5), but the salary of the petitioners have been reduced to Rs. 6,125/-, on the ground that they had not completed 12 years of service as trained teacher as on



01.01.1996.

5. Learned Counsel for the State submits that the petitioners may file a representation before the higher authority, i.e. respondent no. 3-the Director, Primary Education, Government of Bihar, within a period of four weeks from today with the necessary documents and the same shall be considered by the Director, Primary Education, Government of Bihar in accordance with law.
6. In view of the nature of dispute, this writ application is disposed with liberty to the petitioners to file a detailed representation before the Director, Primary Education, Government of Bihar, within a period of four weeks from today.
7. If such a representation is filed by the petitioners within the aforesaid period, the respondent no. 3-the Director, Primary Education, Government of Bihar, shall be obliged to dispose the same in accordance with law by a reasoned order within a maximum period of three months from the date of filing of the presentation.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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