

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19526 of 2015

Manorama Sharma Wife of Sri Janardan Prasad Sahi resident of village - Rampur, P.S. - Orai, District - Muzaffarpur Bihar at present resident of Mohalla - E - 4, Saket, Vijaynagar, Hanuman Nagar, P.S. - Kankarbag, District – Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kritya Nand Jha
		Mr. Rajiv Ranjan Pandey
For the Respondent/s	:	Mr. Karandeep Kumar, AC to GP-6

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- | | | |
|---|------------|---|
| 2 | 15-03-2024 | <ol style="list-style-type: none">1. Heard learned counsel for the parties concerned.2. The petitioner has filed the present writ application for directing the respondent to consider the case of the petitioner for promotion to senior selection grade and supertime scale in cadre of Bihar Primary Education Service (post of Matric Trained Teacher) and to grant consequential benefits to him.3. A counter affidavit has been filed by the respondents stating therein that the petitioner has already been given 1st Time Bound Promotion w.e.f. 01.04.1981, which is |
|---|------------|---|



Matric Trained Senior Scale (Grade-2) as per the Rajkiyakrit Primary School Teachers Promotion Rules, 1993 (hereinafter referred to as Promotion Rules, 1993). The promotion in the Matric Trained Selection Scale (Grade-3) is not permissible in view of the Rules 6 (2) of the Promotion Rules, 1993. For promotion from Matric Trained Senior Scale (Grade-2) to Matric Trained Selection Scale (Grade-3), the Rule 5 (1) of the Promotion Rules, 1993, provides minimum 18 years of service and the Rule 6 (2) of the Promotion Rules, 1993, provides that the promotion from Grade-2 to Grade-3, 20% post of total number of teachers working in Grade-2 shall be available and the petitioner was not falling within the 20% post, which was made available for promotion.

4. A rejoinder affidavit has been filed by the petitioner bringing on record a letter no. 7548, dated 20.09.2022, issued by the District Programme Officer (Establishment), Patna, by which the MACPS 2010 has been made applicable w.e.f. 01.01.2009 for grant of financial upgradation of teachers.
5. Learned counsel for the petitioner submits that the petitioner, in accordance with direction of the letter, dated



20.09.2022, has submitted application form vide Annexure-P/2 to the rejoinder affidavit before the competent authority for grant of MACP, but the same has not been considered by the concerned authority.

6. Admittedly, the petitioner has retired from the services on 30.06.2009.
7. Learned counsel for the State submits that the District Programme Officer (Establishment), Patna, may decide the claim of the petitioner regarding grant of MACP in accordance with law.
8. In view of the rival submission advanced by learned counsel for the parties, this writ application is disposed with direction to the petitioner to file a representation before the District Programme Officer (Establishment), Patna, for redressal of his grievance regarding grant of MACP within a period of two weeks from today.
9. If such a representation is filed, the District Programme Officer (Establishment), Patna, shall be obliged to dispose the same in accordance with law and by a reasoned order within a period of two months from the date of receipt/production of the representation.
10. With the aforesaid observations and direction, this writ



application is disposed.

(Anil Kumar Sinha, J)

ashwani/-

U			
---	--	--	--

