

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8109 of 2023

1. Vinod Bhagat Son of Kanhaiya Prasad Resident of village Raghunathpur, Ward No. 5, P.O.- Motihari, P.S. - Turkaulia, District - Motihari, Presently posted as Trained Graduate Teacher at Govt. Middle School Turkaulia (Boys), Block - Turkaulia, District - Motihari.
2. Bal Kishun Ram Son of Chait Ram Resident of village Sangrampur, P.O. and P.S. Sangrampur, District - Motihari, Presently posted as Trained Graduate Teacher at Upgraded Middle School Mishragram, Block-Sangrampur, District - Motihari.
3. Ramnath Ram Son of Gyanchand Ram Resident of Jagapakar, P.O.- Jagapakar, P.S. - Harsidhih, District - Motihari. Presently posted at Trained Graduate Teacher at Upgraded Middle School, Baharampur, Block - Harsidhih, District - Motihari.
4. Hari Shankar Sah Son of Narsing Sah Resident of village Mahjhar, P.O.- Saphi. P.S. Turkaulia, District - Motihari, Presently posted as Trained Graduate Teacher at Upgraded Middle, Sharda Tola, Turkaulia, Block-Turkaulia, District-Motihari
5. Vivekanand Son of Babu Nand Prasad Resident of village Basmanpura, P.O.- Pataura, P.S. Mutfasil, Motihari, District- Motihari. Presently posted as Trained Graduate Teacher at Upgraded Middle School, Basmanpur, Motihari Dehat, District - Motihari.
6. Parmanand Prasad Son of Sitaram Sah, Resident of village Marpa Mohan, P.O. and P.S. Phenhara, District East Champaran, Presently posted as Assistant Teacher at UMS Govindwara Boys, Block-Phenhara, District - East Champaran.
7. Mohan Paswan Son of Puran Paswan Resident of village Pipra, P.O.- Darpa, P.S. Darpa, District - Motihari, Presently posted as Trained Graduate Teacher at Upgraded Middle School, Purainiya, Block-Chhauradano, District - Motihari.
8. Nagendra Ram Son of Sukhal Ram Resident of village Semuapur, Barharwa Khurd, P.O.- Semuapur, P.S. - Dumariyaghat, Block - Tesriya, District Motihari, Presently posted as Trained Graduate Teacher at Govt. Middle School Tenua, Block - Kalyanpur, District-Motihari.
9. Naresh Kumar Son of Indradeo Prasad Resident of village and Post Bhelwa, P.S. Maduban, District - Motihari, Presently posted as Trained Graduate Teacher at upgraded (Girls) Middle School Bhelwa, District - Motihari.
10. Mohan Baitha Son of Hardev Baitha, Resident of village and Post - Bhopatpur. P.S. and Block - Kotwa. District- Motihari. Presently posted as Trained Graduate Teacher at Upgraded Middle School Rupdih, Block - Motihari Dehat, District - Motihari.
11. Awadh Kishore Prasad Son of Anirudh Ray, Resident of village Dihutola, Gulwara Madhuban, District - Motihari, Presently posted as Trained Graduate Teacher at Govt. Middle School Khodadpur, Block - Madhuban, District - Motihari.
12. Awadhesh Thakur Son of Jangbahadur Thakur Resident of village Pipra,



P.O.- Damodarpur, P.S.- Turkaulia, District - Motihari, Presently posted as Trained Graduate Teacher at UMS Chintamanpur, Bazar, Block-Chakia, District - Motihari.

13. Amjad Ali Jawed Son of Kamruddin Shah Resident of village and Post - Sagardiha, P.S. and Block - Chiraiya, Presently posted as Trained Graduate Teacher at Upgraded Middle School, Masahi Urdu, Block-Chauradano, District -- Motihari.
14. Raj Kishore Singh Son of Triveni Singh Resident of village and P.O.- Gamharia Phulwar North, P.S. and Block - Banjaria, District Motihari. Presently posted as Trained Graduate Teacher at Govt. Middle School Ajjari, Block - Banjaria, District - Motihari.
15. Margoob Alam Son of Kaji Mohammad Idris, Resident of Village and Post Purushottampur, P.O. and P.S. Chauradano, District Motihari, Presently posted as Trained Graduate Teacher at Upgraded Middle School Masahi Urdu, Block Chauradano, District - Motihari.
16. Atma Ram Sah Son of Yogendra Sah Resident of village and P.O.- Barharwa Fatemohammad, P.S. Kundwa Chainpur, District - Motihari, Presently posted as Trained Graduate Teacher at Govt. Middle School Barewa, Block-Dhaka, District - Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Education, Government of Bihar, Vikas Bhawan, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Vikas Bhawan, Patna.
3. The Director (Primary Education) Department of Education, Govt. of Bihar, Patna.
4. he Regional Deputy Director of Education, Muzaffarpur Division, Muzaffarpur
5. The District Education Officer, District - Motihari
6. The District Program Officer (Establishment), District - Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Avanindra Kumar Jha, Advocate
For the Respondent/s : Mr.Prabhakar Jha (Gp 27)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 25-11-2024 Heard learned counsel for the petitioners and learned
counsel for the respondents/State.

2. Writ petition has been filed for following reliefs:-



“(I) To hold and declare that, the claim/prayer of the petitioners for extending the Notional benefit of Matric Trained Scale of Pay (*for the period 01.10.2003 to 31.07.2007*), for the purpose of protection of Seniority vis a vis, their batch mates & counterparts & Juniors, is squarely covered by the ratio of the Judgment & Order dated 10.12.2018 of this Hon'ble Court in LPA No. 1409 of 2017 & Order dated 27.05.2019 in CWJC No. 3727 of 2015.

II.) For issuance of an Order/Direction or a Writ in nature of Mandamus, commanding the Respondents concerned to fix the date of grant of Matric Trained Scale of Pay to the Petitioner'. 'Notionally' w.e.f. 01. 10.2003 & monetary benefit of said fixation w.e.f. 31.07.2007 i.e., in such a manner for the period 01.10.2003 to 31.07.2007, that the Seniority of the Petitioners should not be adversely affected, And, upon such fixation, Respondents concerned may further be directed to shift back the effective date of Promotion of the Petitioners', in Trained Graduate Scale of Pay, (*w.e.f. the date, on which, persons who have passed the in-service teachers training examination in 1st attempt/similarly situated persons have been promoted*) and grant all other consequential benefits.”

3. Learned counsel for the petitioners submits that the issue, raised in this writ application, is squarely covered by a Division Bench judgment of this Court dated 10.12.2018 passed in L.P.A. No. 1409 of 2017 and order dated 27.05.2019 passed by a Single Bench of this Court in C.W.J.C. No. 3727 of 2015.

4. In view of prayer made on behalf of petitioners, the writ petition stands disposed of with direction to respondent no.



5 & 6 / concerned respondents to examine the case of the petitioners, in the light of aforesaid decisions of this Court, as contained in Annexure 2 & 3 to the writ petition, and if the petitioners are found entitled, all consequential benefits shall be extended to them within a period of three months from the date of receipt/production of copy of this order.

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

(Prabhat Kumar Singh, J)

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