

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15620 of 2016

1. Vivekanand and Ors Son of Sri Ramchandra Chaudhary Resident of village - Kharauna Jairam, P.O. Kharauna Dih, P.S. Kurhani, District - Muzaffarpur, Presently working as Block Teacher Physical , Up - graded Middle School, Mothahan, Block - Kurhani, District - Muzaffarpur
2. Manoj Kumar Son of Sri Ram Prabodh Mishra Resident of village - Vidya Jhap, P.O. Titra Ashanand, P.S. Sakra, District - Muzaffarpur, Presently working as Panchayat Teacher, Primary School, Sambha Khore, Block - Moraul, District - Muzaffarpur
3. Sunil Kumar Son of Sri Vidya Sagar Thakur Resident of village - Kuanhi, P.O. Chaurghatta, P.S. Baruraj, District - Muzaffarpur Presently working as Block Teacher, Middle School, Bishunpur Basudeo, Block Runnisaidpur, District - Sitamarhi
4. Ajay Kumar Son of Sri Birendra Prasad Singh Resident of Mohalla - New Professor Colony, Gobarsahi Chowk, P.O. Bhagwanpur, P.S. Muzaffarpur Sadar, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Finance Departmenmt, Government of Bihar, Patna
3. The Secretary Expenditure , Finance Departmenmt, Government of Bihar, Patna
4. The Principal Secretary, Education Department, Government of Bihar, Patna
5. The Joint Secretary, Education Department, Government of Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Manglam
	:	Ms. Anita Kumari
For the Respondent/s	:	Smt. Anuradha Singh- Sc21
	:	Mr. Rakesh Prabhat (Ac to Sc21)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 05-09-2024 1. The grievance of the petitioner in the present writ application is that the petitioners are being discriminated with the Shiksha Mitras, inasmuch as Shiksha Mitra are given three increments and thereby, would get



excess payment than the petitioners, who were appointed as Panchayat Teachers under 2006 Rules.

2. The next grievance of the petitioners is for payment of salary meant for Trained Graduate Teachers as per the resolution of the State Government, dated 11.08.2015, inasmuch as the petitioners are also trained, but are being given grade pay of Rs. 2,000/-, whereas, the Graduate + B.Ed. are being given the grade pay of Rs. 2,400/-.

3. Learned counsel for the petitioners submits that the Government framed the Bihar Panchayat Elementary Teachers (Appointment and Service Condition) Rules, 2006, under which the decision was taken for appointment of Panchayat/Block Teachers on the fixed salary of Rs. 4,000/- for untrained teachers and Rs. 5,000/- for trained teachers. The Panchayat Shiksha Mitra working as on 01.07.2006 were absorbed as Panchayat/Block Teachers as per the Rules, 2006.

4. The petitioners have obtained their Basic Training Certificate (BTC) in teachers education from a recognized institute of the State and were appointed as



Panchayat/Block Teacher and were being paid fixed salary of Rs. 5,000/- per month. The State Government came with a resolution *vide* memo no. 1530, dated 11.08.2015, whereby, decision was taken for payment of salary to the Panchayat/Block Teachers in the pay scale for trained and untrained elementary teachers in the common pay scale of Rs. 5,200/- – Rs. 20,200/-, but untrained elementary teachers were not provided with any grade pay. However, for trained elementary teachers (two years training course), grade pay of Rs. 2,000/- has been provided. The untrained graduate teachers have also been placed in the pay scale of Rs. 5,200/- – Rs. 20,200/- without grade pay, whereas, trained graduate teachers (Graduate + B.Ed.) have been placed in the pay scale of Rs. 5,200/- – Rs. 20,200/- with Grade Pay of Rs. 2,400/-. The clarificatory letter, dated 22.09.2015, for payment of three increments for the past services were also issued by the Government.

5. Learned counsel further submits that the petitioners were trained at the time of their initial appointment in the year 2006, therefore, they cannot be put behind the untrained Panchayat Shiksha Mitra, who were



posted in the same school and are discharging the similar duties. But by virtue of three increments for past services, they will go ahead in salary than the petitioners.

6. Per contra, learned counsel for the State submits that the Rules 2006, came into force with effect from 01.07.2006 and as per the Rule 12 (i) of the Rules 2006, fixed honorarium of Rs. 5,000/- was to be paid to the trained teachers and Rule 12 (ii) further says that honorarium of Rs. 4,000/- shall be admissible to untrained teachers.

7. Subsequently, Bihar Panchayat Elementary Teachers (Appointment and Service Condition) Rules, 2012, came into force and for the first time, different grades of teachers under Rule 4 was made having Basic Grade-I, Graduate Grade-I (Graduate Teacher of Middle School) and Principal Grade-I (Principal of Middle School). The honorarium was fixed for Trained Teachers (Basic Grade) for Rs. 7,000/-, Untrained Teacher (Basic Grade) for Rs. 6000/-, Trained Teacher (Graduate Grade) for Rs. 8,000/-, Untrained Teacher (Graduate Grade) for Rs. 7,500/- and Trained Teacher (Principal Middle School) for Rs. 14000/-.



The Panchayat Teachers (Trained) and Panchayat Graduate Teacher (Trained) got the honorarium of Rs. 7,000/- and Rs. 7,500/-. Subsequently, by resolution no. 1449 dated 23.09.2013, the Panchayat Teacher (Trained) and Panchayat Graduate Teacher (Trained) got the honorarium of Rs. 10,000/- Rs. 11,000/- respectively.

8. 2012 Rules for the first time created the cadre of Graduate Grade-I (Graduate Teacher Middle School) and fixed honorarium of Rs. 8,000/- was made admissible. Petitioners do not belong to the Graduate Grade-I (Graduate Teacher of Middle School), rather, belonged to the Trained Teacher (basic grade) for which the honorarium was fixed at Rs. 7,000/- which has further been revised to Rs. 10,000/- for Trained (basic grade).

9. The petitioners are trying to mislead this Court by stating that they belong to the Graduate Trained (Grade-I) for the simple reason the petitioners were appointed in the year 2006, 2007. Rule 15(cha) of 2012 Rules specifically deals with promotion from cadre of Basic Grade-I to Graduate Grade-I but the petitioners do not qualify for being promoted in the cadre of Graduate Grade-I, therefore,



the claim of the petitioners are misconceived and are not sustainable. The Government came out with a resolution dated 11.08.2015 having the following pay scale:-

Sr.	Name of Post	Numbers	Pay Scale	Grade Pay
1	Elementary Teachers (Untrained)	62031	5200-20200	0
2	Elementary Teachers (Trained)	245344	5200-20200	2000
3	Elementary Teachers (Graduate Grade Untrained)	14000	5200-20200	0
4	Elementary Teachers (Graduate Grade Trained)	22739	5200-20200	2400

10. As per the resolution, the Panchayat Teacher (trained) and Panchayat Graduate Teacher (trained) is entitled to the pay scale of Rs. 5,200/- – Rs. 20,200/- grade pay Rs. 2,000/- and Rs. 5,200/- – Rs. 20,200/- grade pay Rs. 2,400/-. Since the petitioners belong to the Elementary Teacher (Trained) cadre and not to the Elementary Teacher (Graduate Grade Trained) cadre, hence, the pay scale fixed for them is Rs. 5,200/- – Rs. 20,200/- having grade pay of Rs. 2,000/-. The claim of the petitioners of discrimination is misconceived and the petitioners are not entitled for pay having grade pay of Rs. 2,400/-.



11. I have heard learned counsel for the parties and have gone through the materials on record including the resolution of the Government. From perusal of the Rule 2006, it appears that two categories of primary teachers were appointed having B.A., B.Ed. or BLD or Basic Training Certificate or Diploma of two years. There were two categories of teachers one is Block Teacher and other is Panchayat Teacher and the honorarium of both the categories of the teachers were Rs. 5,000/- for trained and Rs. 4,000/- for untrained. Under 2012 Rules also, there was difference of salary between Trained Teacher (Basic Grade), Untrained Teacher and Trained Teacher (Graduate Grade). As per the counter affidavit of the respondent, the petitioners do not belong to Graduate Grade-I but belong to the Trained Teacher (Basic Grade) for which honorarium under 2012 Rules was Rs. 7,000/-, whereas, honorarium fixed for Trained Teacher (Graduate Grade) was Rs. 8,000/-. The petitioner no. 1 being a member of Trained Basic Grade was getting Rs. 10,000/- fixed consolidated salary which was subsequently fixed at Rs. 11,340/- which came due to the increment given as per the Clause 15 (kha) of 2012



Rules which says that Rs. 500/- shall be given as increment for three years after competency test. He completed six years in 2013 and hence entitled for Rs. 1,000/- increment and thereafter, Rs. 170 as increment was given for the year 2014-15 and he became entitled for total Rs. 340/- as increment till 2015.

12. Clause 2.3-2.4 of the 2015 resolution prescribes for increment payable to both Untrained and Trained Teachers for every three years of past service rendered. The Panchayat Siksha Mitra who even joined as Untrained but rendered the service as a Teacher prior to the appointment of the petitioners as Panchayat Teacher, is sought to be given increments in lieu of their past service. This cannot be said to be discriminative as the Government has a policy to grant increment for their satisfactory service as teachers. From another angle, it can be seen that trained teachers have also been given the benefit of increment on the basis of past service rendered by them for three years and more. The grade pay payable to the Graduate Grade B.Ed. Trained Teacher (Grade-I) as per the resolution under challenge dated 11.08.2015, is Rs. 2,400/- and Basic



Trained Teacher is Rs. 2,000/-. The difference in payment of salary between the B.Ed. Trained and the Basic Grade Trained existed from the very beginning from 2006 Rules including amended 2012 Rules and subsequently.

13. Considering the aforesaid discussion, I come to the conclusion that the Government has a policy from the very beginning to fix different honorarium for teachers having B.Ed. and the Basic Trained and further, the benefit of increments for past service as per the resolution is admissible to both Trained and Untrained Teacher, I do not find any merit in the challenge made by the petitioners in the present writ application.

14. In the result, the present writ application stands dismissed.

(Anil Kumar Sinha, J)

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