

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7797 of 2023

Uttam Kumar Son of Late Chandradeo Sharma Resident of Village-Dharahara, P.S.- Gopalpur, District- Bhagalpur. Presently posted as Assistant Teacher, Middle School, Abhiya, Block- Gopalpur, P.S- Gopalpur, Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar, Through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Education, Government of Bihar, Patna.
4. The Principal Secretary, Finance Department, Government of Bihar, Patna.
5. The Director, Primary Education, Government of Bihar, Patna.
6. The District Magistrate, Bhagalpur.
7. The Regional Deputy Director of Education, Bhagalpur.
8. The District Education Officer, Bhagalpur.
9. The District Programme Officer (Establishment), Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan
For the Respondent/s : Mr.Madhaw Prasad Yadaw (Gp 23)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-11-2024 Heard learned counsel for the petitioner and learned
counsel for the respondent/State.

2. This writ petition has been filed for following
reliefs:-

“A) Issuance of an appropriate writ or writs in the nature of mandamus directing the Respondents especially Respondent No. 9 to comply the direction given in the Order issued vide memo No. - 1576 dt. 10.09.2022 (Annexure – 8) by the Respondent no. 7 in compliance of the direction given by this Hon’ble High Court vide Order dt. 23.03.2021 passed in C.W.J.C. No. 9240



of 2020 (Annexure 7) and to grant Matric Trained Pay Scaled to the petitioner from the date of joining and further to grant senior scale on competition of 12 years of service.

B) Issuance of an appropriate writ or writs in the nature of mandamus commanding the Respondent to consider the Representation dt. 12.11.2022 & 19.11.2022 (Annexure 9 series) given by the petitioner further to grant the benefit of Matric Trained Pay Scaled from the date of joining and further to grant senior scale on competition of 12 years of service in the light of order dt. 31.03.2011 passed in CWJC No. 6139 of 2007 and order dt. 16.08.2017 passed in LPA No. 756 of 2015, as the case of petitioner is squarely covered by the above two decisions.

C) To grant all other financial benefits alongwith its arrears and all consequential monetary benefit thereof in accordance with law.”

3. Learned counsel for the petitioner submits that in sum and substance, pursuant to order dated 23.03.2021 passed in C.W.J.C. No. 9240 of 2020 (Annexure – 7), the petitioner approached respondent no. 7 /Regional Dy.Director of Education, Bhagalpur by filing a detailed representation and after considering the same, the respondent no. 7 allowed the claim of the petitioner, vide Memo No. 1576 dated 10.09.2022 (Annexure – 8). Learned counsel further submits that the grievance of the petitioner is that even in spite of order passed by respondent no. 7, the monetary benefits have not been granted to the petitioner. In this regard, petitioner has also filed



several representations before the respondent no. 9/District Programme Officer, Bhagalpur, but till date, petitioner has not been paid arrears of salary.

4. Considering the nature of grievance, the writ petition is disposed of granting liberty to the petitioner to file fresh application before the Respondent no. 9/District Programme Officer, Bhagalpur or concerned respondent within a period of six weeks from today.

5. If such application is filed within stipulated time, the concerned respondent shall examine the same and if petitioner is found entitled for payment, the same shall be extended to the petitioner within a period of six months from the date of filing of such application.

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

(Prabhat Kumar Singh, J)

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