

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8429 of 2023

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Md. Nazmul Hoda Son of Late Md. Bahrul Hoda, resident of Village-
Chilhapara, P.O - Telta, P.S. Balrampur, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Government of Bihar Patna.
3. The Regional Deputy Director of Education , Purnia Division, Purnia.
4. The District Education Officer, Katihar.
5. The District Programme Officer, Katihar.
6. The District Provident Fund Officer, Katihar.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Ram Sagar Singh, Advocate
For the State : Mr. Prabhakar Jha, GP-27

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-11-2024 Heard learned counsels for the parties.

2. This writ application has been filed for commanding the respondents to grant and pay graduate trained pay scale to the petitioner with effect from 01.01.1989 treating the petitioner as graduate trained as his qualification of *Fazil* is equivalent to that of graduate trained and also for grant of all other consequential benefits and further for payment of retiral benefits as the petitioner has already retired from the services on 30.06.2021.

3. Petitioner was appointed as an Assistant Teacher



(Urdu) in Girls High School, Vishwadighi, Balrampur, Katihar vide appointment letter dated 22.12.1982 issued by the then Secretary of the School and accordingly, the petitioner joined the school on 25.12.1982 and since then, he has continuously been working in the school till the date of his retirement i.e. 30.06.2021. At the time of appointment, qualification of the petitioner was *Alim* and subsequently, he enhanced his qualification upto *Fazil* by way of passing Fazil Examination on 29.04.1984 and became Graduate Trained because degree of *Fazil* is equivalent to that of Graduate Trained.

4. Learned counsel appearing on behalf of the petitioner submits that vide Memo No. 60 'P' dated 28.06.2022 issued by the Director, Secondary Education, Education Department, Government of Bihar, Patna (Respondent No. 2) services of the petitioner has been recognized with effect from 01.01.1989 and arrears of salary for the period from 01.01.1989 to 28.03.2010 has been paid to the petitioner but in untrained scale whereas the petitioner is entitled for graduate trained pay scale as his qualification of *Fazil* is equivalent to graduate trained.

5. In this connection, learned counsel for the petitioner has relied upon decision of this Hon'ble Court passed



in *C.W.J.C. No. 20719 of 2014* dated 01.10.2018 which has further been affirmed in *L.P.A. No. 538 of 2019* dated 01.04.2024.

6. Lastly, learned counsel appearing on behalf of the petitioner submits that similarly circumstanced others have been granted benefits of trained graduate scale but the same benefit has not been given to this petitioner.

7. Learned counsel appearing on behalf of the State is not in a position to dispute the contentions raised on behalf of the petitioner.

8. In view of the above facts and circumstances of the case, this writ application is disposed of with direction to the Director, Secondary Education, Education Department, Government of Bihar, Patna (Respondent No. 2) to grant arrears of salary to the petitioner with effect from 01.01.1989 in terms of their on policy decision in five equal installments. So far as the claim of the petitioner for grant of trained pay scale is concerned, if similarly circumstanced other teachers on the strength of *Acharya/Fazil* degree have been recognized as trained teacher and have been granted such benefits, the Director, Secondary Education, Education Department, Government of Bihar, Patna (Respondent No. 2) is required to



extend similar treatment to this petitioner, in view of the litigation policy of the State Government and in view of the judgment in the case of *Amresh Kumar Singh and Others versus State of Bihar and Another* reported in *(2018) 2 PLJR 929* and take appropriate decision within a maximum period of four months from the date of receipt/production of a copy of this order. All consequential benefits, including retiral benefits, must be paid to the petitioner within the aforesaid period.

(Prabhat Kumar Singh, J)

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