

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15028 of 2021

Patichandra Prasad Singh Son of Late Dharam Singh Prasad Resident of
Village- Yarpur, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Education Officer, Nalanda at Biharsharif.
4. The District Programme Officer (Establishment), Nalanda at Biharsharif.
5. The Block Education Officer, Hilsa, District- Nalanda.
6. Shri Krishna Murari Singh Son of not known to the petitioner Retired Assistant Teacher, Middle School, Oriyawan, Block- Ekangarsarai, P.O. and P.S.- Ekangarsarai, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha, Sr. Adv. Mr. Bhola Kumar, Adv. Mr. Ankesh Kumar, Adv.
For the State	:	Mr. Ram Vinay Pd. Singh, AC to GA-XII

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 05-09-2024

Heard learned counsel for the parties.

2. Learned counsel for the State has filed a supplementary affidavit today in the Court.

3. Let it be kept on record.

4. This writ petition has been filed for the following reliefs:

(A) For issuance of a writ in the nature of certiorari quashing the order dated 18.03.2017 contained in Memo No. 597 dated 20.03.2017 (Annexure-9) passed by the Director, Primary Education, Bihar, Patna whereby and whereunder the claim of



the petitioner regarding granting benefit of second ACP and graduate trained scale has been rejected ignoring the direction of this Hon'ble Court passed in C.W.J.C.No. 22836 of 2013 by oral judgment dated 29.06.2016 (Annexure-6).

(B) For further directing the respondents concerned to grant benefit of ACP and graduate trained scale to the petitioner following the mandate and observation passed by this Hon'ble Court in C.W.J.C. No. 22836 of 2013 by oral judgment dated 29.06.2016.

(C) To pass any other order/orders in shape of a consequential relief to which the petitioner may be found to be legally entitled to in the facts and circumstances of the instant case.

5. Learned counsel for the petitioner submits that the petitioner had passed the graduate (B.A.) examination in the year 1978 but he was not given the benefit of graduate trained teacher scale whereas his junior, namely, Krishan Murari Singh, respondent no. 6 has been granted the said benefit who had also passed the graduate examination in the year 1978. He further submits that in terms of Assured Career Progression (for short the A.C.P.) Scheme, 2003 which has come into effect on 09.08.1999, the petitioner was entitled for grant of second



A.C.P. but he has not been granted the benefit of A.C.P. after its enforcement.

6. Learned counsel for the State submits that though respondent no. 6 has retired on 31.08.2009 and has been granted promotion in the year 2007 while in service but petitioner has made claim for granting benefit of Graduate Trained Scale in the year 2013 while he was out of service.

7. A counter affidavit has been filed on behalf of the respondent no. 4, in which in paragraph-8 it is stated that the petitioner was appointed on 11.11.1972 as an Assistant Teacher in Middle School, Piyarepur, Giriyak, Nalanda and respondent no. 6 was appointed on 01.07.1975 in Middle School, Oriyawan, as such, as per date of appointment, the respondent no. 6 is junior to the petitioner.

8. Considering the facts and circumstances of the case and the submissions made on behalf of the parties, in my view, the petitioner is entitled for the benefit of second A.C.P. and graduate trained scale as the respondent no. 6, who is junior to the petitioner, has already been granted the said benefit.

9. Accordingly, this writ petition is allowed setting aside the order dated 18.03.2017 as contained in Memo No. 597 dated 20.03.2017 (Annexure-9) passed by the respondent no. 2,



the Director, Primary Education, Patna, Bihar. The respondent authorities are directed to grant all consequential benefits to the petitioner which is entitled to him within a period of two months from the date of receipt/production of a copy of this order.

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(Anjani Kumar Sharan, J)

