

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3806 of 2016

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Ram Roop Thakur Son of Late Shankar Thakur Resident of Village- Jaitapur,
Police Station- Palanwa, District- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
 2. The Director, Primary Education, Govt. of Bihar, Patna
 3. The District Education Officer, East Champaran at Motihari
 4. The District Programme Officer, East Champaran at Motihari.
 5. The Area Education Officer, Raxaul, District- East Champaran at Motihari
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, Advocate
For the Respondent/s : NONE

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 22-04-2024

1. Heard learned counsel for the petitioner, however no one appears for the State.

2. The petitioner, after retirement on 31.10.2003, has filed the present writ application for grant of 1st and 2nd A.C.P., in the year 2016. The petitioner retired from the post of Assistant Teacher after attaining the age of 60 years in the year 2003. During his service period, the petitioner was not granted 1st A.C.P. and 2nd A.C.P.

3. No one appears for the State, however, counter affidavit has been filed on behalf of State stating therein that the claim of the petitioner for grant of 1st and 2nd A.C.P. is not admissible, as the scheme of A.C.P., which had come into force



from 09.08.1999, is not applicable in the case of Teachers of Taken Over Schools. The petitioner was granted first Time Bound Promotion w.e.f. 12.03.1982 while working at the Government Middle School, Lokariya. The petitioner superannuated on 31.10.2003. Vide notification no. 6022 dated 18.12.1989, the Finance Department provided Senior Scale and Senior Selection Scale to the Teachers and clause 13 of the said resolution provided that the Teachers completing 12 years of service or more as on 01.01.1986 in Matric Trained Scale would be entitled to Senior Scale of Matric Trained Scale from 01.01.1986. The petitioner has already been provided Senior Scale w.e.f. 01.01.1986.

4. ***Bihar Taken Over Elementary School Teachers Promotion Rules, 1993 (in short “1993 Promotion Rules”)*** was made effective from 01.01.1986, as such, no further promotional benefit was found admissible to the petitioner. ***The 1993 Promotion Rules*** provided for grant of Selection Scale to Teachers working in the Matric Trained Scale at Elementary schools. ***Rule 5(1) of the 1993 Promotion Rules*** provided that the Teachers with Graduation qualification working for 12 years in the Senior Scale of Matric Trained Scale would be entitled to Selection Scale of Matric Trained Scale.



5. **Rule 6(2) of the 1993 Promotion Rules** further provides that such Selection Scale is to be provided to 20% of the Teachers working in the Senior Scale every year as on 31st March. The petitioner did not possess qualification of Graduation and had been receiving Senior Scale of Matric Trained Scale from 01.01.1986 and had superannuated on 31.10.2003, prior to completion of 18 years on 01.01.2004, as such, he was not entitled for Selection Scale in terms of the **1993 Promotion Rules**.

6. Learned counsel for the petitioner submits that the 1st and 2nd A.C.P. has not been granted to the petitioner despite having served for so many years.

7. I have heard learned counsel for the petitioner and have perused the counter affidavit. From perusal of counter affidavit, it appears that the petitioner was granted first Time Bound Promotion w.e.f. 12.03.1982. Thereafter, as per the **1993 Promotion Rules**, the petitioner was granted Senior Scale in the year 1986. The qualification of the petitioner was not graduation, as such, as per **1993 Promotion Rules**, he was not entitled for Selection Scale after completion of 18 years i.e. on 01.01.2004, as the petitioner has already retired on 31.10.2003. The petitioner has not produced any document/ circular etc. with



regard to grant of 1st and 2nd A.C.P. to the Teachers of Taken Over Schools.

8. Accordingly, the present writ application is devoid of any merit, as such, the same is dismissed.

(Anil Kumar Sinha, J)

rinkee/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.04.2024
Transmission Date	NA

