

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11006 of 2016

=====

Madan Prasad Sharma son of late Ramesh Sharma resident of village and P.O. Safapur, Police Station - Nayagaon, District - Begusarai, retired while working as an Assistant Teacher from Govt. Middle School, Kanausi, Anchal - Garhpura, District - Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Begusarai.
4. The District Education Officer, Begusarai.
5. The District Programme Officer Establishment, Begusarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ramakant Singh
For the Respondent/s : Mr. Manoj Kumar Yadav, AC to GA-10

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 01-08-2024 1. The petitioner has filed the present writ application for a direction to the respondent-authorities to grant intermediate trained scale from the date of appointment with all consequential benefits.

2. Learned counsel for the petitioner submits that the petitioner was initially appointed as Assistant Teacher in the year 1973 on stipend and he remained on stipend up to 31.03.1975.

3. Though the petitioner was qualified as intermediate trained, but he was given the matric trained scale w.e.f. 01.04.1975. One writ application, bearing CWJC No.



3633 of 1994 (Yogendra Raut vs. State of Bihar), was filed claiming the trained scale during the stipendary period, which was disposed on 01.05.1995. The petitioner also filed the writ application, bearing CWJC No. 11467 of 2011, seeking parity with the case of Yogendra Raut (Supra), claiming trained scale for stipendiary period. However, the writ application was disposed with a direction to the District Programme Officer (Establishment), Begusarai, to dispose the representation of the petitioner, which was rejected by order, dated 21.12.2016.

4. In the present writ application, the claim of the petitioner is based upon a judgment of a Division Bench of this Court, passed in LPA No. 774 of 2013, dated 22.01.2014, wherein, this Hon'ble Court issued a mandamus to grant I.Sc. Trained scale to the teachers from the date it was granted to the immediate juniors along with all arrears of difference of salary.

5. The petitioner's claim is that the juniors immediate to the petitioner has already been granted intermediate trained scale, whereas, the petitioner has been deprived of the same, which is discriminatory. Petitioner has filed a detailed representation before the District Programme Officer (Establishment), Begusarai, dated 24.05.2016, annexed at Annexure-4. Learned counsel further submits that the aforesaid



representation is still pending and has not yet been decided by the District Programme Officer (Establishment), Begusarai.

6. Having heard learned counsel for the parties and taking into consideration the nature of prayer made in this writ application and the fact that the representation of the petitioner is still pending, the present writ application is disposed with a direction to the District Programme Officer (Establishment), Begusarai, to dispose the representation within a period of three months by a reasoned order in the light of the order, dated 22.01.2014, passed in LPA No. 774 of 2013.

7. With the aforesaid observation and direction, this writ application is disposed.

(Anil Kumar Sinha, J)

ashwani/-

U			
---	--	--	--

