

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1419 of 2016

1. Shri Bhagwan Singh and Ors Son of Late Sheo Prasad Singh Resident of village - Gosaldih, P.S. Surajpura, District - Rohtas
2. Munilal Singh Son of Late Ram Gahan Singh Resident of village - Tarawan, P.S. Nasriganj, District - Rohtas
3. Anant Ballabh Singh Son of Late Ram Pravesh Singh Resident of village - Parariya, P.S. Dawath, District - Rohtas
4. Nasiba Singh Son of Late Daroga Singh Resident of village - Imirta, P.S. Surajpura, District - Rohtas
5. Mundrika Singh Son of Late Angrahit Singh Resident of village - Kawai, P.S. Surajpura, District - Rohtas
6. Baban Singh Son of Late Bhuli Singh Resident of village - Hariharpur, P.S. Karakat, District - Rohtas
7. Bhagwan Prasad Singh Son of Late Sheo Prasad Singh Resident of Village - Dharahara, P.S. Darihat, District - Rohtas
8. Motilal Ram Son of Ram Sundar Ram Resident of village - Kapasiya, P.S. Nokha, District - Rohtas
9. Shambhu Nath Mishra Son of Late Gangadhar Mishra Resident of village - Dawath, P.S. Dawath, District - Rohtas
10. Hari Bansh Kumar Singh Son of Late Brij Bhushan Singh Resident of village - Siyurdih, P.O. Gathiya, P.S. Gazipur, District - Gazipur U.P.
11. Md. Sarfuddin Ansari Son of Late Md. Zumarati Ansari Resident of Village - Pipara Khurd , P.S. Nokha, District - Rohtas
12. Shamsuddin Khan Son of Late Md. Asfaudiar Khan Resident of Village - Dhangain, P.S. Bikramganj, District - Rohtas
13. Mathura Prasad Singh Son of Late Ram Swarup Singh Resident of village - Bhagwatipur, P.S. Bikramganj, District - Rohtas
14. Ram Sewak Singh Son of Late Yadu Singh Resident of village - Bhagwatipur, P.S. Bikramganj, District - Rohtas
15. Suresh Lal Son of Late Shyam Bihari Lal Resident of village - Haraiya, P.S. Kaptanganj, District - Azamgarh U.P.
16. Sheo Shankar Singh Son of Late Ram Das Singh Resident of village - Mani, P.S. Bikramganj, District - Rohtas
17. Sheojee Singh Son of Late Sipahi Singh Resident of village - Bandhawa, P.S. Tarari, District - Bhojpur
18. Hari Madan Chaudhary Son of Late Indra Dayal Chaudhary Resident of village - Diliya, P.S. Dawath, District - Rohtas
19. Md. Moizuddin Khan Son of Late Hafiz Qasimuddin Khan Resident of village - Ghosia Kala, P.S. Bikramganj, District - Rohtas
20. Abhai Kumar Singh Son of Late Ramadhar Singh Resident of village - Sonbarsa, P.S. Karakat, District - Rohtas
21. Ram Naresh Choudhary Son of Late Ram Kitarath Choudhary Resident of village - Baramadih, P.S. Karakat, District - Rohtas
22. Anil Kumar Son of Late Bachan Prasad Resident of village - Yadawan, P.S. Akorhigola, District - Rohtas



23. Ramashray Singh Son of Late Navratan Singh Resident of village - Bahuara, P.S. Dawath, District - Rohtas
24. Md. Israfeel Ahmed Son of Late Salamat Ahmed Resident of village - Karma, P.S. Surajpura, District - Rohtas At Present resident of village / Mohalla - Bikramganj, P.S. Bikramganj, District - Rohtas
25. Qaiyum Ansari Son of Late Md. Alijan Ansari Resident of village - Keshodih, P.O. Bensagar, P.S. Sanjhauli, District - Rohtas
26. Ras Bihari Singh Son of Late Gulabchand Singh Resident of village - Dhamana, P.S. Tarari, District - Bhojpur At Present resident of Hasan Bazar, Katar Road, P.S. Hasan Bazar, District - Bhojpur
27. Bharat Prasad Singh Son of Late Jokh Narayan Singh Resident of village - Harnath Dih, P.S. Hasan Bazar, District - Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Additional Secretary, Department of Human Resources, Govt. of Bihar, Patna
3. The Director, Secondary Education, Bihar, Patna
4. The Deputy Director, Secondary Education, Bihar, Patna
5. The Commissioner, Patna Division, Patna
6. The Regional Deputy Education Director, Patna Division, Patna
7. The District Magistrate, Rohtas at Sasaram
8. The District Education officer, Rohtas at Sasaram
9. The District Programme officer Eastablishment , Rohtas at Sasaram
10. The District Treasury officer, Rohtas at Sasaram
11. The Accountant General, Bihar, Patna
12. The Secretary, Department of Finance, Bihar, Patna
13. The Additional Secretary, Department of Finance, Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sinha, Sr. Adv.
	:	Mr. Surendra Kumar Mishra
For the Respondent/s	:	Mr. A.N. Sinha- Gp11
For the Accountant General	:	Mr. Ram Yash Singh SC (IA & AD)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

10 24-06-2024 1. Twenty seven writ petitioners who all have retired as Assistant Teachers before 04.03.2014 from different schools have approached this Court for grant of senior selection



grade from retrospective date after quashing the letter no. 1566 dated 08.12.2014 issued by the Director, Secondary Education, whereby the benefit of senior selection grade was granted to the teachers w.e.f. 04.03.2014 i.e., the date when the notification was published.

2. Learned senior counsel for the petitioners argued that the notification dated 04.03.2014 is applicable for the petitioners also inasmuch as the same specifically states that after completion of 24 years of service, the teachers of nationalized government secondary school shall be given senior selection grade. The notification does not say that it will apply prospectively.
3. On the other hand, learned counsel for the State submitted that the notification dated 04.03.2014 shall apply prospectively i.e., from the date of notification and the same is not applicable to the petitioners who have already retired prior to coming into force of the notification.
4. The teachers of nationalized Secondary schools were allowed earlier the central pay scale with effect from 01.01.1986. It was further decided *vide* Resolution no. 6022 dated 18.12.1989, issued by the Finance Department, Govt. of Bihar, that all those teachers who were in receipt of promotion or time bond promotion into the junior selection



grade and had completed 12 years of service in basic grade prior to 1st January 1986 shall have their pay Fix in the revised senior scale and those teachers who were in receipt of promotion or time bond promotion into the junior selection grade prior to 1st January, 1986, but had not completed 12 years of service in the basic grade on that date shall also have their pay Fix in the revised scale in the basic grade only on 1st January 1986. It was decided by the aforesaid resolution that benefits of selection scale in the revised pay scale of pay shall be extended to teachers as per the availability of posts and the procedure and condition prescribed by the Central Govt. for the teachers which would be deemed to have come into effect from 05.01.1986. The number of posts in selection scale was restricted to twenty percent of the number of posts in the senior scale.

5. On the basis of aforesaid provisions of Resolution no. 6022 dated 18.12.1989, the teachers of nationalized secondary schools were allowed the senior scale on completion of 12 years of service in basic grade of teachers. The selection scale were allowed to such teachers who had completed minimum 12 years of service in senior scale restricted to 20 percent of the strength of senior scale.
6. In due course, the Government after due consideration



through Finance Department, issued letter no. 2096, dated 04.03.2014 and decided to allow the selection scale on completion of 24 years of service without any restriction, but this decision has been made effective prospectively from the date of issuance of the notification i.e. 04.03.2014. Therefore, the benefits of modified provision for grant of selection scale to the teachers of secondary schools has only been allowed to those teachers who are in service on or after 04.03.2014.

7. The petitioners have retired prior to 04.03.2014 and therefore they are not entitled for the benefits of grant of selection grade on basis of the notification dated 04.03.2014 of the Finance Department.
8. A writ petition bearing CWJC No. 14404 of 2015 for grant of similar benefits was filed by sixty two petitioners before this Court which was disposed by this Court on 09.12.2015 with liberty to the petitioners to raise their grievance before the competent authority. The writ petitioners filed their representation before the Principal Secretary, Finance Department, which was duly considered and a detailed order was passed on 17.08.2016 whereby the claim for grant of selection by applying the notification dated 04.03.2014 retrospectively has been rejected.



9. I have heard learned counsel for the parties.
10. The contention of the petitioners that the notification dated 04.03.2014 is applicable to all irrespective of the date of retirement. From bare reading of the notification dated 04.03.2014, it appears that the same has been applied prospectively i.e., from the date of notification.
11. A Co-ordinate Bench of this Court, while considering the notification, dated 04.03.2014, in identical matters, has observed that notification indicates that this benefit will apply prospectively i.e., from the date of notification.
12. In view of the order passed by this Court in the aforesaid writ application and the fact that notification granting senior scale to teachers has been made prospective, the prayer of the petitioners to apply the same retrospectively cannot be granted. Admittedly, all the petitioners have retired prior to coming into force of the notification in question, accordingly, I do not find any merit in this writ application.
13. In the result, the present writ application is dismissed.

(Anil Kumar Sinha, J)

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