

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16668 of 2023

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Anand Kumar Son of Tarni Choudhary, Resident of Village- Tola Olapur
Ganguar, Police Station and District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Education,
Govt. of Bihar, Patna.
2. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
3. The Director Primary Education, Education Department, Govt. of Bihar,
Patna.
4. The District Education Officer, Khagaria District, Khagaria.
5. The District Programme Officer (Establishment) Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sweta Raj, Advocate
For the Respondent/s : Mr. Madan Jeet Kumar (Gp 20)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-10-2024 Heard learned counsel for the petitioners and learned
counsel for the respondents.

2. The present writ application has been filed for
directing the respondents for following reliefs:

(a) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondents authorities for fixation of salary of the petitioner in the trained graduate pay scale in view of the provision contained in Rule 22(A)(i) (ii) (iii) and (iv) of the fundamentals rules which inter alia on promoted, the salary payable on the date of promotion would be fixed and thereafter pay fixation would be done after giving benefits of additional one increment of the existing pay scale and to pay arrears



of salary of the petitioner after aforesaid fixation from the date when they have been granted trained graduate pay scale by the respondent authorities.

(b) To further direct the respondent authorities as per promotion rule to grant promotion on the post of Headmaster to the petitioner and their consequential benefits with effect from 29.12.2012.

3 . Learned counsel for the petitioner submits that the present case is squarely covered by a Full Bench judgment of this Court passed in C.W.J.C. No. 11255 of 2016 (***Rama Shankar Patel & Ors. vs. The State of Bihar and Ors.***) i. e., Annexure – 3 to the present application .

4. Learned counsel for the State does not dispute the contention made on behalf of the petitioner.

5 . In such view of the matter, the petitioner is directed to file a detailed representation before the respondent no. 5 the District Programme Officer (Establishment) Khagaria , along with order passed C.W.J.C. No. 11255 of 2016 within a period of four weeks and the respondent no. 5 is well advised to consider the case of the petitioner after affording opportunity of personal hearing or through his counsel and pass a reasoned and speaking order in accordance with law within twelve weeks thereafter.

6. It is made clear that the respondent no. 5 shall be



liable for non-compliance of this order within the stipulated period.

7. With the aforesaid direction, the writ application stands disposed of.

(Prabhat Kumar Singh, J)

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