

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.742 of 2020

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Satya Narayan Rajak, son of Late Dev Narayan Rajak, r/o Bariyahi Ward no. 6 Post Jitapur, P.S. Murliganj Distt. Madhepura, at present posted as Assistant Teacher in Upgraded Middle School Musharnia Rahi Anchal Murliganj Distt. Madhepura. Petitioner/s

Versus

1. The State of Bihar through commissioner cum Secretary Department of Human Resources Govt. of Bihar, Patna.
2. The Director Primary School Education Govt. of Bihar, Patna.
3. The District Education Officer, Madhepura.
4. The District Programme Officer (Establishment) Madhepura.
5. The Block Education Officer Murliganj, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Vishoka Nand, Advocate
For the Respondent/s : Mr. Madhukar Mishra, AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-04-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. By the present writ application, the petitioner seeks a direction upon the respondent authorities to grant senior pay-scale of B.Sc. Trained from 22.08.1988, pursuant to order passed in C.W.J.C. No.1098 of 2019 (Raj Kumar Mandal and others Vs. The State of Bihar and others).

3. The petitioner was appointed on 19.05.1988 in matric untrained scale and joined in school on 07.05.1988 as Assistant Teacher in Middle School, Madhali Bazar, Singheshwar (East). In the year, 2012, the petitioner had filed C.W.J.C. No.6541 of 2007 for grant of B.Sc. untrained scale to



him with effect from 22.08.1988 along with entire consequential monetary benefit in compliance to the order as contained in Memo No.1719 dated 09.10.2006 issued by the Director, Primary Education and vide order dated 25.04.2012. After hearing the parties, this Court disposed of the writ application with a direction to the petitioner to file a representation before the District Education Establishment Committee, Madhepura and directed him to examine the entitlement of the petitioner with regard to the prayer made in the writ application. The petitioner filed the representation and the petitioner was granted B.Sc. untrained scale from 22.08.1988 and B.Sc. trained scale from 01.02.1996 but the grievance of the petitioner is that he is entitled for B.Sc. trained scale from 22.08.1988.

4. A counter affidavit on behalf of respondent no.4 has been filed in which *inter alia* it is stated that the petitioner has already been granted B.Sc. Trained pay scale since 01.02.1996.

5. Without going into the merits of the claim of the petitioner, in the interest of justice, this Court thinks it proper to remit back the matter once again before the respondent no.4 for just and proper decision.

6. In such view of the matter, the petitioner is directed to file a detailed representation before the District Programme



Officer (Establishment), Madhepura (respondent no.4) along with the documents regarding his educational qualification and the order/notification/circular in support of his claim, within a period of one month from today. The District Programme Officer (Establishment), Madhepura (respondent no.4) is directed to consider the case of the petitioner after affording opportunity of personal hearing and pass a reasoned and speaking order in accordance with law within three months from the date of receipt of such representation.

7. It is made clear that respondent no.4 shall be held liable for non-compliance of the order within the stipulated period.

8. With the aforesaid observation and direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

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