

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17638 of 2024

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1. Chandra Shekhar Adhikari son of Late Lil Bahadur Adhikari resident of Bastu Bihar, Ward No.22, Patuwaha Baidyanathpur, P.S.- Saharsa, District- Saharsa.
 2. Ram Krishna Yadav son of Siyaram Mandal resident of Ward No.21 Karpuri Nagar, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Higher Education, Education Department, Government of Bihar, Patna.
3. The B.N. Mandal University, Laloo Nagar, Madhepura through the Registrar.
4. The Vice-Chancellor, B.N. Mandal University, Laloo Nagar, Madhepura.
5. The Registrar, B.N. Mandal University, Laloo Nagar, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pranav Kumar Jha, Advocate
For the Respondent/s	:	Mr.Sitaram Yadav, Government Pleader 16
		Mr Yatindra Narayan, Advocate
For te BNMU		Mr. Ritesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 21-11-2024 Heard learned counsel for the petitioners and the State.
2. Writ petition has been filed for issuance of an appropriate writ/writs or order/orders in the nature of mandamus for directing and commanding the Respondents to treat the petitioner as Director, Physical Education instead of Physical Instructor and re- designate the same and pay the U.G.C. scale in view of the provision laid down in Circular No. 2693 dated 27.08.2010 (contained in Annexure- P/1) and circular No.591 dated 06.03.2019 (Annexure-P/1(b)) issued by the Education Department, Government of Bihar, Patna, whereas some other Universities within the State of Bihar, has already re-designated the Physical Education Instructors getting the U.G.C. pay scale



as Director, Physical Education in view of the said circulars issued by the Respondent Department, but the Respondent University has not done the same and further for directing and commanding the Respondents to grant promotional service benefit according to the said circular. It is further prayed for directing the Respondents to treat the petitioners equivalent to teachers in view of the circular No.591 dated 06.03.2019 issued by the Respondent Department.

3. Learned counsel for the petitioners submits that Physical Instructors of college has been re-designated as Director, Physical Education in the scale of Rs. 15600-39100/- having grade pay of Rs. 6000/- as per the U.G.C. scale prescribed in the year 2006. Petitioner no.1 retired from the post of physical Education Instructor, M.L.T. College, Saharsa, whereas petitioner no.2 retired from the post of Physical Training Instructor, TP College, Madhepura. Learned counsel further submits that as per Circular dated 27.08.2010 bearing no. 2693 some of the other Universities of the State of Bihar has re-designated the Physical Instructor as Director, Physical Education which would be evident from the Office Orders passed by B.R. Ambedkar Bihar University, Muzaffarpur & L.N.M.U., Darbhanga dated 20.01.2015. Learned counsel for the petitioners submits that in this regard, petitioners have also filed representations dated 30.3.2019 and 5.3.2019 (annexure P/3 and P/4 to the writ petition).

4. Regard being had to the facts and circumstances of the case, let the petitioners file fresh application before respondent no.4 within a period of four weeks from today.

5. In the event, if such application is filed within the said stipulated period, respondent no.4 shall look into the matter



and dispose of the same by a reasoned and speaking order in accordance with law as well as in view of circular of the State Government in this regard, after hearing the parties, preferably within a period of six weeks from the date of receipt of the application.

6. It goes without saying that if the claim of these petitioners is found admissible by the respondents, they shall ensure that the admissible amount must be paid to them as early as possible.

7. Writ petition stands disposed of with the aforesaid directions.

(Prabhat Kumar Singh, J)

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