

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.333 of 2020

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Devanand Kumar Son of Late Bishwanath Prasad Resident of Village and Post Office- Hasanpura, Police Station- M.H. Nagar Hasanpura, District- Siwan, presently posted as Assistant Teacher in Rajkiya Primary School, Parad Parari, Block- Hasanpur, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Department of Education, Government of Bihar, Patna.
3. The Director Department of Primary Education, Government of Bihar, Patna.
4. The District Magistrate Siwan.
5. The District Education Officer Siwan.
6. The District Programme Officer (Establishment) Siwan.
7. The Block Education Officer Hasanpura Block, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Adv.
For the Respondent/s : Mr.Madhukar Mishra, A.C. to S.C.16

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 08-07-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ application has been filed for commanding and directing the respondent authority concerned to grant/shift the regular pay scale of the petitioner from the date of joining of his service i.e. on 02.07.2007 as has been granted to similarly situated person namely Mukesh vide Memo No.2645 dated 30.03.19 (Annexure-11) as the petitioner being the son of the deceased permanent Teacher was recommended



for his compassionate appointment on class-III post in the pay-scale of Rs.3050-4590 in the meeting dated 31.12.2005 of District Compassionate Appointment Committee but the respondent authority compelled him to join as Block/Prakhand Teacher, however, after several round of litigation, petitioner has been appointed as Assistant Teacher in regular pay scale in compliance of order passed by this Hon'ble Court dated 23.03.2018 passed in CWJC No.3442 of 2018 wherein this Hon'ble Court has been pleased to direct the respondent authority to consider the case of the petitioner in the light of the judgment of the Apex Court in the case of Mukesh & Anr. Vs. The State of Bihar, reported in (2017) 5 SCC 387 despite that claim of petitioner is being discriminated by shifting/granting his regular pay scale w.e.f. joining of Assistant teacher in the respective school vide office order contained in Memo No.3400 dated 28.11.2018 (Annexure-9) whereas said Mukesh has been granted his regular pay scale with from his initial date of joining i.e. 27.05.2008.

3. Learned counsel for the petitioner submits that the petitioner claims for payment of the regular pay-scale from the date of his joining and he has been granted regular pay-scale w.e.f. 28.11.2018. It is further submitted that the petitioner's



case is squarely covered by the Apex Court's order passed in the case of Vishwanath Pandey Vs. The State of Bihar and others in Civil Appeal No.5090 of 2013 (arising out of S.L.P. (C) No.5328 of 2012) dated 02.07.2013.

4. Considering this facts and circumstances, since the case of the petitioner is covered by Vishwanath Pandey (supra), the petitioner is directed to file a detailed representation before the respondent no.3 within a period of four weeks and the respondent no.3 is well advised to pass a reasoned order, in accordance with order passed in the case of Vishwanath Pandey Vs. The State of Bihar and others in Civil Appeal No.5090 of 2013, after affording an opportunity of hearing to the petitioner or his counsel, within a period of ten weeks from the date of receipt of the representation of the petitioner.

5. It is made clear that if an order is not passed within the stipulated period, the respondent no.3 shall be personally held liable for non-compliance of the order of this Court.

6. With the aforesaid directions, the present writ application is disposed of.

(Anjani Kumar Sharan, J)

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