

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3039 of 2025

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Baidyanath Prasad Chaudhary S/o Lal Dhari Chaudhary R/o- Dardha,
Chausaj, P.O.- Madhopur, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The District Magistrate, Muzaffarpur.
5. The District Education Officer, Muzaffarpur.
6. The District Program Officer (Establishment), Muzaffarpur.
7. The Drawing and Disbursement Officer-cum-Headmaster, Nationalized Middle School, Muraul, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Saurav Singh
For the Respondent/s : AC to SC-18

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-02-2025 1. Heard learned counsel for the petitioners and the
learned AC to SC-18.

2. The learned counsel appearing on behalf of the
State, at the outset, submits that from the defects pointed out by
the Office, it manifests that the petitioner has not deposited the
Court fee of Rs. 250/- and welfare stamp of Rs. 25/- at affidavit
is also wanting, apart from other defects.

3. The learned counsel appearing on behalf of the
petitioner submits that petitioner will deposit the Court fee and
the welfare stump during the course of the day.



4. The other defects pointed out by the office are ignored.

5. The learned counsel appearing on behalf of the petitioner submits that the instant writ application has been filed seeking a direction upon the respondent to release the differential payment of salary with interest to the petitioner from September 2011 to April 2020, apart from other reliefs.

6. It is next submitted that petitioner was initially appointed as Assistant Teacher on 28-2-1981 and pursuant thereto, the petitioner submitted his joining in the concerned school. It is next submitted that petitioner from the date of his initial appointment was discharging his duties to the best of his capacities and to the full satisfaction of the authorities concerned. It is further submitted that petitioner at the time of initial appointment was having higher qualification, hence was granted Matric Trained Pay Scale, i.e., Rs. 4500-125-7000 in Grade Pay-III, thereafter he was also granted the benefit of senior scale with effect from 1-9-2011.

7. It is next submitted that pursuant to the order of this Court dated 31-3-2011 in CWJC No. 6139 of 2007 (Ramashish Tiwary & ors. vs. the State of Bihar & Ors.) and its affirmation by the Division Bench of this Court and the Hon'ble



Supreme Court, the Respondent No. 3 issued a letter contained in Memo No. 432 dated 20-4-2020, whereby an order was passed for grant of senior scale on the completion of 12 years for those teachers whose appointments were made on or before 31-12-1995.

8. It is next submitted that the District Programme Officer issue a Memo No. 7387 dated 15-11-2023 regarding the salary of the petitioner for differential payment of Rs. 3,23,257/- for the period from 1-9-2011 to 30-4-2020.

9. It is next submitted that petitioner retired on 30-4-2020 from the Primary School, Titrapur, Muroul, and after retirement, he received all retiral benefits except the aforesaid differential amount of salary for the period of 1-9-2011 to 30-4-2020.

10. It is next submitted that petitioner represented vide his representation dated 17-5-2024 (Annexure-3) before the District Education Officer, Muzaffarpur (Respondent No. 5) for the payment of differential amount of his salary with effect from 1-9-2011 to 30-4-2020, but then no action till date has been taken.

11. The learned counsel appearing on behalf of the State submits that the writ application can be disposed of with a



direction to the District Education Officer, Muzaffarpur, to consider and dispose of the representation of the petitioner dated 17-5-2024, but then it is submitted that it may be a possibility that the representation of the petitioner dated 17-5-2024 may not be located in the office of District Education Officer, Muzaffarpur, on which learned counsel appearing on behalf of the petitioner submits that petitioner will file a fresh representation before the District Education Officer, Muzaffarpur on or before 7-3-2025.

12. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioner to file a fresh representation before the District Education Officer, Muzaffarpur, with regard to the grievance as raised in the instant writ application.

13. It is made clear that if any representation on behalf of the petitioner is filed on or before 7-3-2025 seeking redressal of his grievance as raised in the instant writ application, the District Education Officer shall dispose of the representation in accordance with law within a period of two months thereafter.

14. It is further made clear that the District Education Officer, before disposing of the representation filed by the petitioner, shall also verify that as to whether the Court fee of



Rs. 250/- along with Welfare Stamp of Rs. 25/- has been deposited by the petitioner or not, in the event if petitioner is not able to satisfy the District Education Officer that the Court fee of Rs. 250/- and the welfare stamp of Rs. 25/- have been deposited in that event the District Education Officer, Muzaffarpur shall not be obliged to consider the representation of the petitioner.

(Satyavrat Verma, J)

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