

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4188 of 2020

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1. Raj Kumar Sah Son of late Chhedi Pd. Sah, Resident of Village- Babhangama, P.O.- Son diha, P.S. Barahat, District- Banka.
 2. Mundrika Prasad Sah, Son of Late Ram Das Sah, Resident of Village and P.O. and P.S.- Katoriya, Distt. Banka.
 3. Rana Ranjan Singh, Son of Late Tara Nand Singh, Resident of Village and P.O.- Pakariya, P.S.- Samshujan, Distt. Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director (Primary Education), Govt. of Bihar, Patna.
4. The District Education Officer, Banka.
5. The District Programme Officer (Establishment), Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Ritika Rani, Advocate Mr. Dinu Kumar, Advocate Mr. Vardaan Mangalam, Advocate
For the Respondent/s	:	Mr. Madhaw Pd. Yadaw (GP-23) Mrs. Meera Singh, AC to GP-23

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 16-01-2025 Heard Mrs. Ritika Rani, learned counsel along with Mr. Dinu Kumar and Mr. Vardaan Mangalam, learned counsels appearing on behalf of the petitioners and Mr. Madhaw Prasad Yadaw, learned GP-23 assisted by Mrs. Meera Singh, learned AC to GP-23 for the State.

2. The petitioners in paragraph no. 1 of the present writ petition have sought *inter alia* following relief(s), which is reproduced hereinafter:



"(A) For commanding the respondents to make payment of salary of Matric Trained scale with effect from 01.10.2003 and Senior scale after completion of 12 years from 01.10.2003 and other consequential service benefit for which the petitioners were found entitled in the eye of law.

(B) Also for necessary relief/reliefs, order/orders, direction/directions for which the petitioner is entitled in the eye of law."

3. Learned counsel appearing on behalf of the petitioners seeks to file detailed representation before the Director, Primary Education, Government of Bihar, for grant of similar pay applicable to the Matric Trained with effect from 01.10.2023 and consequential service benefits. Learned counsel further informs that the petitioner has already filed a detailed representation on 11.10.2019 before the district programme officer (establishment), banka, but he has not taken any action to consider the claim of the petitioner. The reason assigned in paragraph no. 8 of the counter affidavit that the petitioner came into service after 01.10.2023, and, therefore, the petitioner is not entitled for Matric Trained scale with effect from 01.10.2003 in light of Memo No. 12 dated 05.01.2015, 'Annexure-B' to the counter affidavit filed on behalf of respondent no. 5 is not sustainable.

4. *Per contra*, learned counsel appearing on behalf of the State informs that in view of clear information contained in paragraph nos. 7, 8 and 9 of the counter affidavit filed on behalf



of respondent no. 5, petitioner is not entitled for the relief(s) as prayed for in the present writ petition and the same is fit to be dismissed.

5. Heard the parties.

6. Having considered the rival submissions made on behalf of the parties, and the fact that petitioners' representation is pending before the respondent no. 5, without going into the merits of the case, I direct the Respondent no. 5- the District Programme Officer (Establishment), Banka, to consider the representation filed on behalf of the petitioners, by affording proper opportunity of hearing to the petitioners and pass order in accordance with law expeditiously.

7. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

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