

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3405 of 2023

=====

Azimanuddin Ansari Son of Late Md. Imam Ali Ansari, Resident of Road No. 5, Aliganj, P.S.-Chandauti, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Arwal.
4. The District Education Officer, Arwal.
5. The District Programme Officer (Establishment), Arwal.
6. The Accountant General, Bihar, Birchand Patel Marg, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Madhaw Prasad Yadaw, GP-23
		Mr. Arvind Kumar, AC to GP-23
For the A.G, Bihar	:	Mr. Ram Kinker Choubey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 03-07-2025

Heard learned counsel for the parties.

2. This writ petition has been filed with the following

prayer:

“(i) To issue a writ preferably in the nature of mandamus, commanding and directing the Respondent authority concerned to pay the petitioner his Graduate Pay scale and revise his monetary benefits including payment of differences of salary and pension etc. for which the petitioner is legally entitled w.e.f. 01.01.1998 in pursuant to office order dated 27.06.2018 as contained in



Memo No. 519, issued from the level of District Education Officer, Arwal as petitioner has not been paid the same even after his superannuation from service who retired as an Assistant Teacher from Rajkiyakrit Middle School, Kurtha.”

3. The Office Order issued by the District Education Officer, Arwal vide Memo No. 519 dated 27.06.2018 (Annexure-2 to the writ petition) which is the basis for the petitioner's claim for payment of the Graduate Teacher, is extracted hereinbelow:

कार्यालय जिला शिक्षा पदाधिकारी, अरवल	
मोबाईल नं०:-8544411002	ई-मेल :- deoarwal.edn@gmail.com
कार्यालय-आदेश	
प्रधान सचिव, शिक्षा विभाग, बिहार सरकार, पटना के ज्ञापांक-161 दिनांक - 28.02.2012 एवं अधिसूचना सं०-28 दिनांक 08.07.1993 के आलोक में जिला प्रारंभिक शिक्षक स्थापना समिति, अरवल द्वारा दिनांक 22.06.2018 समिति की बैठक में सर्वसम्मति से लिए गए निर्णयानुसार निम्नांकित शिक्षकों जो मैट्रिक प्रशिक्षित हैं लेकिन उनकी योग्यता स्नातक की है को 18 वर्षों पर तथा जो मैट्रिक प्रशिक्षित है लेकिन योग्यता स्नातक से कम है को वर्षों पर को नियमावली 1993 में निहित प्रावधानों के अधीन वेतनमान 5500-175-9000 से औपबधिक रूप से वेतन निर्धारण की स्वीकृति प्रदान करते हुए सूची में अंकित तिथि से प्रवरण वेतनमान की स्वीकृति दी जाती है। परिशिष्ट भाग "क" पर सूची संलग्न है। भविष्य में यदि किसी शिक्षकों की सेवा में कोई ब्रुटि पायी जाती है तो वैसे शिक्षकों के लिए यह आदेश रद्द कर दिया जायेगा।	
सचिव, जिला प्रांभिक शिक्षक स्थापना समिति-सह- जिला कार्यक्रम पदाधिकारी (स्थापना) अरवल।	अध्यक्ष जिला प्रांभिक शिक्षक स्थापना समिति-सह- जिला शिक्षा पदाधिकारी, अरवल।
ज्ञापांक 519/अरवल दिनांक 27/06/2018 प्रतिलिपि :- जिला कोषागार पदाधिकारी अरवल/सम्बंधित निकासी एवं व्ययन पदाधिकारी/प्रखण्ड शिक्षा पदाधिकारी एवं सम्बंधित शिक्षक/शिक्षिकाओं को सादर सूचनार्थ प्रेषित।	
सचिव, जिला प्रांभिक शिक्षक स्थापना समिति-सह- जिला कार्यक्रम पदाधिकारी (स्थापना) अरवल।	अध्यक्ष जिला प्रांभिक शिक्षक स्थापना समिति-सह- जिला शिक्षा पदाधिकारी, अरवल।



4. Respondent Nos. 4 & 5/ the District Education Officer, Arwal & the District Programme Officer (Establishment), Arwal have filed a counter affidavit wherein, in paragraph no. 5 it has been stated as under:

“5. That it is submitted that the D.P.O. (Estb.), Arwal has promoted the petitioner Graduate Pay scale and revise his monetary benefits including payment of differences of salary vide memo no. 519 dated 27.06.2018, pay fixation on 17.07.2023”

5. The pay fixation made on 17.07.2023 enclosed as Annexure-R/A to the counter affidavit is also extracted hereinbelow:

FIXATION OF PAY AFTER PROMOTION	
Promotion under the finance department Govt. of Bihar memo no. 630 Date: 21/012010 and follow the rules 12.	
In the reference a order of D.P.O, Arwal Memo no. 519 Date: 27.06.2018 Promoted in the Grade pay	
FORM OF FIXATION OF PAY UNDER THE INSTRUCTION REGARDING THE WITHDRAWAL OF PAY UPPER SCALE	
1. Department/Office:-	Education / Middle School, Kurha
2. Name and position of government whose pay is processed to fixed scale:-	Azimuddin Ansari Asst. teacher
3. Scale of Govt. Servant:-	5000 - 150 - 8000
4. Pay on (on the date of promotion) Date should be mentioned	01-01-1998 - Rs - 6800/-
5. Scale of pay in under scale:-	5500 - 175 - 9000/-
6. Emoluments payable on:- (a.) Total as in item no:- (b.) Add 3% of basic pay (Annual Increment):- (c.) Add 3% of basic pay (Promotional Increment):-	6800/- 141/- 6800/-
7. Corresponding stage upper scale in payable on the status next above:-	01-01-1998 - 6900 01-01-1998 - 6900
8. Emolument admissible on date of promotion:-	01-04-1998 - 7075 01-04-1999 - 7250 01-04-2000 - 7425
9. Pay:-	
10. Date of next increment:-	
11. Verified and found correct:-	
Date: 30-11-2000 से 27.07.2023	
Signature of District Education Officer, Arwal	
Signature of District Programme Officer, Arwal	



6. On perusal of the averments made in paragraph no. 5 of the counter affidavit filed by the respondent nos. 4 & 5, it appears that the respondents have not denied the petitioner's entitlement for payment in terms of the Office Order issued by the District Education Officer, Arwal vide Memo No. 519 dated 27.06.2018.

7. On further perusal of paragraph no. 6 of the counter affidavit filed by the respondent nos. 4 & 5, it appears that the monetary benefit in terms of the Office Order issued by the District Education Officer, Arwal vide Memo No. 519 dated 27.06.2018 could not be made to the petitioner because of some issue regarding petitioner's account number.

8. Under the circumstances, since the entitlement of the petitioner in terms of the Office Order issued by the District Education Officer, Arwal vide Memo No. 519 dated 27.06.2018 has not been disputed by the respondents in the counter affidavit filed and the actual payment of the monetary benefits in terms of the aforesaid Office Order could not be made because of some issue regarding the petitioner's account number, this writ petition is hereby disposed off with a direction to the respondents to pay the petitioner's monetary benefits enumerated in the Office Order issued by the District Education



Officer, Arwal vide Memo No. 519 dated 27.06.2018 on providing the account number by the petitioner, for which the petitioner shall appear before the respondent no. 4 - the District Education Officer, Arwal within two weeks.

9. The writ petition is disposed off with the above direction.

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.07.2025
Transmission Date	N/A

