

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12285 of 2024

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Saheb Roy Son of Late Gorakhnath Roy, Resident of village- Chakari, Post Office- Rukundipur, Police Station- Daraunda, District- Siwan, At present posted and working as Prakhand Teacher in Govt. Middle School Babanaganj Jalalpur, Anchal- Daraunda, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The District Education Officer, Siwan.
5. The District Programme Officer (Establishment), Siwan.
6. The Block Development Officer, Daraunda, District- Siwan.
7. The Block Panchayati Raj Officer, Daraunda, District Siwan.
8. The Block Education Officer, Daraunda, District - Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra
For the State : Mr.Standing Counsel (15)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 26-06-2025 1. Heard learned Counsel for the parties concerned.
2. The present writ application has been filed for issuance of a writ in the nature of mandamus, commanding the respondents to grant arrears of difference of salary to the petitioner by way of annual increments from the date of his initial appointment, i.e. 2012, till the present date.
3. The brief facts of the case is that the petitioner was appointed as Block Teacher (Physical Teacher), vide memo no. 323, dated 21.03.2012, by the Block



Development Officer, Daraunda, Siwan, at Government Middle School, Babanaganj Jalalpur, in the district of Siwan. The petitioner submitted his joining on 27.03.2012 and since then, he has been discharging his duties.

4. The petitioner passed the Elementary Teachers Evaluation Examination, 2023, conducted by the State Council of Educational Research and Training, Bihar. The result card was issued on 15.07.2023.
5. The petitioner, thereafter, filed a representation before the District Programme Officer (Establishment), Siwan, and the Block Education Officer, Daraunda, requesting for payment of arrears of difference of salary upon grant of annual increments from the date of his initial appointment, i.e. 2012.
6. Learned Counsel for the petitioner submits that the petitioner has passed the Elementary Teachers Evaluation Examination (दक्षता परीक्षा) in the year 2023, as such he is entitled for payment of increments from the date of his initial appointment.
7. Learned Counsel further submits that the petitioner has filed various representations before the respondent authorities, but the grievance of the petitioner has



remained un-redressed. The petitioner is suffering financial loss since 2012.

8. *Per contra*, learned Counsel for the respondents argued that the petitioner appeared in the Elementary Teachers Evaluation Examination held in the year 2016, but could not cleared the said examination. Thereafter, he again appeared in the said test held in the year 2023 and this time, he passed the said examination.
9. In view of the Resolution No. 1066, dated 08.09.2015, issued by the Education Department, Government of Bihar, Patna, the petitioner is not entitled for annual increment from the date of his initial appointment, i.e 2012, but he is entitled for annual increments from the date of passing of the Elementary Teachers Evaluation Examination (दक्षता परीक्षा). He further argued that the District Programme Officer (Establishment), Siwan, has already calculated and sanctioned the difference of salary and granted the annual increment to the petitioner from July, 2023 to August, 2024, amounting to Rs. 21,136/-, vide letter no. 6791, dated 18.09.2024.
10. I have heard learned Counsel for the parties concerned and have gone through the Resolution No. 1066, dated



08.09.2015, issued by the Education Department, and the relevant rules, namely, Bihar Panchayat Elementary Teachers (Employment and Service Condition) Rules, 2012.

11. The State Government has amended Rule 15 (ख) of the 2012 Rules by the resolution, dated 08.09.2015. Rule 15 (ख) of 2012 Rules specifies that teachers appointed under the Employment Rules, 2006, must pass the evaluation examination within two chances. Those who pass in the first attempt shall be entitled for annual increments after completion of three years of service. However, those who passed in the second attempt shall be granted annual increment only from the date of passing of the evaluation examination.
12. In the present case, the appointment of the petitioner was made according to the 2006 Rules. The petitioner failed in the first attempt of the evaluation examination, held in the year 2016 and succeeded in the second attempt, held in the year 2023. Accordingly, in terms of Clause 4 of the Resolution, dated 08.09.2015, the petitioner becomes entitled for grant of annual increment only from the date of passing the evaluation examination, i.e., 15.07.2023.



13. Considering the above discussion, this Court finds no infirmity in the action of the respondent authorities while granting the benefit of annual increment to the petitioner with effect from passing the evaluation examination. The claim of the petitioner for grant of annual increments from the date of his initial appointment, i.e. 2012, is contrary to the statutory provisions.
14. Accordingly, this writ application, being devoid of any merit, is dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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