

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15850 of 2019

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Rajendra Pandit Son of Late Ram Kishun Pandit Resident of Village- Telhara,
Police Station- Telhara, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Human Resource Department, Govt. of Bihar, Patna.
2. Director Primary Education Govt. of Bihar, Patna.
3. Regional Deputy Director of Education Patna.
4. District Education Establishment Committee Through its Chairman District Education Officer, Patna.
5. District Education Officer Nalanda.
6. District Programme Officer Establishment Nalanda.
7. Bindeshwar Prasad S/o Name not known at present working as an Assistant Teacher in Middle School, Nichalganj, P.S.- Ekangarsarai, District- Nalanda.
8. Smt. Yashoda Kumari Wife of Name not known at present Middle School, Rasalpur, P.S.- Ekangarsarai, District- Nalanda.
9. Shanti Prasad Sharma Son of Name not known, Headmaster Middle School Subalpur, P.S.- Rajgir, District- Nalanda.
10. Ram Harti Sahu Son of Name not known Headmaster Middle School Malaury, P.S.- Rajgir, District- Nalanda.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3888 of 2020

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Rajendra Pandit Son of Late Ram Kishun Pandit, Resident of Village Telhara,
Police Station Telhara, District- Nalanda. Retired Teacher of Middle School Bighaper, Telhara District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resource Department, Govt. of Bihar, Patna.
2. Principal Secretary Finance Department, Govt. of Bihar Patna.
3. Director Primary Education Officer, Govt. of Bihar Patna New Secretariat, Building, Patna.
4. District Education Officer, Nalanda.
5. Programme Officer Establishment- Cum- District Superintendent of Education Nalanda at Biharsharif.

... .. Respondent/s



Appearance :

(In Civil Writ Jurisdiction Case No. 15850 of 2019)

For the Petitioner/s : Mr. Binoy Kumar Singh, Advocate
Ms. Sweta Raj, Advocate

For the Respondent/s : Mr. Prabhakar Jha (Gp27)

(In Civil Writ Jurisdiction Case No. 3888 of 2020)

For the Petitioner/s : Mr. Binoy Kumar Singh, Advocate
Ms. Sweta Raj, Advocate

For the Respondent/s : Mr. Kameshwar Kumar (Gp17)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

5 24-11-2025

Re : C.W.J.C. No.15850 of 2019

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The writ petition has been filed for the following
reliefs :-

*“For issuance of an appropriate writ, order,
direction or a writ in the nature of Certiorari
quashing the order Vide Memo No. 6535 dated
25.09.2013 by which the respondent no. 3 was
pleased to reject the representation of the
petitioner pursuance to 1993 Rules and pursuance
to the stay of preparation of gradation list by
Hon'ble High Court in L.P.A No. 1137 of 1996 and
1138 of 1996 respectively and the decision dated
18.02.2009 passed by the then District
superintendent of Education was approved and
further he was pleased to given consent of the
order vide Memo No. 470 dated 18.02.2009 which
was communicated along with the order dated
25.09.2013.”*



3. Learned counsel for the petitioner submits that the impugned order has been passed in the case of the petitioner, pursuant to the order dated 03.05.2012 passed in C.W.J.C. No.13810 of 2007, the relevant portion is reproduced as under:-

"However, this writ application is disposed of with a direction to the D.E.O who is said to be the chairman of the Establishment committee now to make an enquiry with regard to the said pending representation of the petitioner and if he finds that the same still pending and has not been considered by the competent authority or the District Establishment committee he is directed to see to it that the same is considered and final decision is taken on the same and communicated to the petitioner positively within three months from the date of receipt/production of a copy of this order: In case he finds that the representation of the petitioner has already been disposed of the same shall also be communicated to petitioner. It is made clear that non compliance of this order by the District Education officer shall be viewed seriously by this Court."

4. Learned counsel for the petitioner next submits that the District Education Officer, Nalanda, relied upon one letter issued by the then District Superintendent of Education, Nalanda, (for brevity 'DSE, Nalanda,') vide order as contained



in Memo No.470 dated 18.02.2009, and accordingly, the claim of this petitioner was rejected and no opportunity of hearing was given and even the letter which is said to have been relied upon by the District Education Officer, for rejecting the claim was not provided to seek response of this petitioner and accordingly, the order impugned, as contained in Memo No.6535 dated 25.09.2013, is unsustainable in law.

5. On the other hand, learned counsel for the petitioner submits that there was no representation pending on the date, the order dated 03.05.2012 is said to have been passed in C.W.J.C. No.13810 of 2007, however, the learned counsel for the petitioner does not dispute the fact there is nothing recorded in the impugned order that the earlier adjudication which is said to have been made and the order, as contained in Memo No.470 dated 02.02.2009, issued by the then 'DSE, Nalanda, which has been relied upon by the District Education Officer, Nalanda, for passing the impugned order, was ever supplied to this petitioner and therefore, taking into account the totality of the facts and the law settled in this behalf, no person can be condemned without providing due opportunity and since this matter relates to the adjudication of financial rights of this petitioner, therefore, this Court finds it proper to direct the authorities to undertake fresh



exercise by providing all opportunity of hearing and to pass appropriate order in accordance with law, for which this petitioner is directed to file a fresh representation with all supportive materials within a period of four weeks so that the matter can be adjudicated by determining the eligibility of the petitioner for grant of promotion in the graduate trained pay-scale and if it is found on consideration that the petitioner is entitled to the same, the benefits shall also be extended within a period of eight weeks from the date of submission of his representation.

Re : C.W.J.C. No.3888 of 2020

Heard learned counsel for the petitioner and learned counsel for the State.

2. The writ petition has been filed for the following reliefs :-

“For issuance of an appropriate writ, order, direction or a writ in the nature of Certiorari quashing the order dated 08.09.2018 issued under the signature of Director Primary Education (Respondents No. 3) by which he was pleased to reject the representation of the petitioner and further direct the Respondent No. 3 Director Primary Education to grant grade pay of Rs. 4600 i.e. 5500-9000 and Senior Selection Grade as 6,500-10,500 pursuant to the Central Pay (Fifth



pay Revision Committee Report) and further grant consequential benefits.

3. At this stage, learned counsel for the State submits that on adjudication in the above case being C.W.J.C. No.15850 of 2019, if it is found that the petitioner is entitled to graduate trained pay-scale, then necessary revision may also be directed in accordance with law and if on consideration, entitlement of this petitioner for grant of graduate trained pay-scale is rejected then on the existing pay-scale, the appropriate revision may be allowed.

4. Considering the submission of the petitioner to be justified in law, this Court directs accordingly, and in view of the above, both the writ petitions are disposed of in terms thereof.

(Ajit Kumar, J)

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