

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18158 of 2024

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Shamshad Ahmad son of Late Abdul Hamid Resident of village and P.O. -
Bahera Jahidpur, Police Station- Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
4. The District Education Officer, Sitamarhi.
5. The District Programme Officer (Establishment), Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Sagar Singh
For the Respondent/s : Dr. Md. Raisul Haque, SC-10

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-02-2025 1. Heard learned counsel for the petitioner and the
learned SC-10.

2. The learned counsel for the petitioner submits that
the instant writ application has been filed for a direction upon
the respondents to pay arrears of salary for the period from 1-1-
1989 to 28-3-2010 and to grant graduate trained pay scale with
effect from 1-1-1989 along with all other consequential benefits,
including benefits of A.C.P and also to pay all the retiral benefits
of the petitioner, which till date has not been paid though
petitioner retired from service on 31-3-2024.

3. It is next submitted that petitioner was appointed as



Urdu teacher in Pandit Shri Narayanpur Thakur Smarak Project Girls High School, Bahera, Jahidpur, Sitamarhi (hereinafter referred to as "School") vide letter dated 28-9-1982 (Annexure-1 to the writ application) by the then Secretary of the school and accordingly he joined the school on 1-10-1982 (Annexure-2 to the writ application) and since then, he has been working in the school till the date of his retirement, i.e., 31-3-2024. It is also submitted that petitioner passed his Fazil examination, as would manifest from Annexure-3 to the writ application.

4. It is next submitted that the school was selected and taken over as a Project School by government Letter No. 142 dated 23-2-1985 and the petitioner service was recognized vide office order as contained in Memo No. 70(P) dated 29-3-2010, (Annexure-4) issued by the respondent No. 2, thereafter the petitioner passed his B.Ed. examination in the year 2012 from L.N. Mithila University, Darbhanga and got the provisional certificate dated 21-9-2012, as would manifest from Annexure-5 to the writ application.

5. It is next submitted that services of the petitioner was recognized with effect from 1-1-1989 with an order to pay arrear of salary with effect from 1-1-1989, as would manifest from Memo No. 92(P) dated 31-5-2018 (Annexure-6) and the office order as contained in Memo No. 65(P) dated 30-6-2022



(Annexure-7), but then the same till date has not been paid though the petitioner has retired. It is next submitted that the petitioner thereafter filed several representations before the authority for payment of his arrear of salary and sanction of leave, but no action till date has been taken.

6. It is next submitted that similarly situated teacher Arun Kumar Rai had approached this court by filing CWJC No. 20719 of 2014 and the same was allowed by an order dated 1-10-2018. It is submitted that the State of Bihar filed LPA No. 538 of 2019 against the order dated 1-10-2018 in CWJC No. 20719 of 2014, but then the LPA came to be dismissed by an order dated 1-4-2024.

7. It is submitted that the case of the petitioner, if not akin, is similar to the case of Arun Kumar Rai.

8. The learned counsel appearing on behalf of the State submits that the writ application can be disposed of with a direction to the petitioner to file a representation before the Director, Secondary Education, bringing to his notice that the case of the petitioner is similar to the case of Arun Kumar Rai and thus is entitled for the benefits as raised in the instant writ application.

9. At this stage, the learned counsel appearing on behalf of the petitioner submits that a similarly situated



employee, Md. Nazmul Hoda had also approached this Court by filing CWJC No. 8429 of 2023 and the CWJC No. 8429 of 2023 was disposed of by an order dated 26-11-2018 by placing reliance on the order dated 1-10-2018 in CWJC No. 20719 of 2014 and the order dated 1-4-2024 in LPA No. 538 of 2019.

10. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioner to file a detailed representation with regard to the grievance as raised in the instant writ application before the Director, Secondary Education, Bihar, Patna, on or before 24-3-2025. In the event, if any representation is filed by the petitioner seeking redressal of his grievance as raised in the instant writ application on or before 24-3-2025, in that event, the Director, Secondary Education, shall consider and dispose of the representation within a period of two months thereafter.

11. It is made clear that if the case of the petitioner is similar to the case of Arun Kumar Rai and Md. Nazmul Hoda, in that event, the Director, Secondary Education, shall grant all the benefits to which the petitioner is entitled.

(Satyavrat Verma, J)

SUMIT/-

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