

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18047 of 2023

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Dharmendra Kumar, Son of Late Ram Chandra Mochi, Resident of Village-
Dhanama, Police Station- Chandradeep, District- Jamui, presently posted as
Assistant Teacher Upgraded Middle School, Bhanpura, Block- Halsi, District-
Lakhisarai.

... .. 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, Government of Bihar, Patna.
3. The District Education Officer, (Establishment), Lakhisarai.
4. The District Programme Officer, (Establishment), Lakhisarai.
5. The Headmaster, Girls Middle School, Halsi, District Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Jitendra Kumar Roy 1 (SC-13)
Mr. B.B. Roy, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 01-07-2025

Heard Mr. Arun Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Jitendra Kumar Roy1,
learned SC-13 appearing on behalf of the State.

2. The petitioner has filed this writ petition with the
following prayers:

*“(i) A writ in the nature of certiorari
setting aside the illegal pay fixation done by
the respondent No. 5 in pursuant to Letter No.
500 dated 10.03.2021 issued from the level of
Respondent No. 4 as contained in Annexure-5
whereby in context to Letter No. 432 dated
20.04.2020 issued from the level of Respondent*



Director, Primary Education (Respondent No.2) the Respondent Headmaster (Respondent No. 5) has been directed to re-fix the pay scale and take steps for recovery of excess payment made to teachers who have been appointed after 31.12.1995 and after completion of 12 years of salary they have been given higher pay scale, however has been mentioned that if the claim of concerned teacher is concerned by any judgment then that should be apprised to the undersigned but contrary to that petitioner's pay scale has been illegally re-fix without taking into consideration the judicial pronouncements on that basis petitioner was given benefit the respondent No. 5 has illegally re-fix the pay scale lower down the salary of the petitioner and effected the same since September 2023 monthly salary causing huge monetary loss to the petitioner.

(ii) For further direction upon the Respondents specially Respondent No. 4 not to give effect the re-fixation of pay of the petitioner done in pursuant to Letter No. 500 dated 10.03.2021 (issued by Respondent No. 4 and stay the operation of the same till final decision of the case.

(iii) For direction upon the respondent No. 4 not to recover the salary already paid to the petitioner in pursuant to pay fixation made by the competent authority in view of Government Letters issued in pursuant to different judicial pronouncements of this Hon'ble court in this regard."

3. Counter affidavit has also been filed by the respondents.

4. By referring to Annexure-R/4 of the counter



affidavit filed by the respondent no. 4, which is an Office Order issued by the District Programme Officer (Establishment), Education Department, Lakhisarai vide Memo No. 1446 dated 15.04.2024, learned advocate for the petitioner has submitted that the relief sought for by the petitioner has been granted but the monetary benefits in terms of the aforesaid Office Order has not been paid to the petitioner by the respondents.

5. The Office Order dated 15.04.2024, referred to hereinabove as Annexure-R/4 of the counter affidavit, is extracted hereinbelow:



बिहार सरकार
जिला शिक्षा पदाधिकारी, लखीसराय
(स्थापना शाखा)

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Annex-R/4

कार्यालय आदेश

माननीय उच्च न्यायालय में दायर CWJC-18047/2023 धर्मेन्द्र कुमार बनाम राज्य सरकार एवं अन्य में पारित आदेश के आलोक में श्री धर्मेन्द्र कुमार, सहायक शिक्षक, प्राथमिक विद्यालय बनडोल, हलसी को एक ही वेतनमान में 12 वर्ष सेवा पूरी करने के उपरान्त दिनांक-20/06/2017 से लेवल-07 में ग्रेड-पे 4600 में वित्तीय उन्नयन की स्वीकृति प्रदान की जाती है।

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(संजय कुमार)

जिला कार्यक्रम पदाधिकारी, स्थापना,
शिक्षा विभाग, लखीसराय।

ज्ञापांक-1446/ लखीसराय, दिनांक-15/04/2024.

प्रतिलिपि :- श्री धर्मेन्द्र कुमार, सहायक शिक्षक/प्रधानाध्यापक को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।
प्रतिलिपि :- वरीय कोषागार पदाधिकारी, लखीसराय को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।
प्रतिलिपि :- जिला शिक्षा पदाधिकारी, लखीसराय की सेवा में सूचनार्थ समर्पित।

(संजय कुमार)

जिला कार्यक्रम पदाधिकारी, स्थापना,
शिक्षा विभाग, लखीसराय।

6. Learned Government advocate representing the



respondents has also submitted that by the aforesaid Office Order, the petitioner has been granted Grade Pay of Rs. 4600/- with effect from 20.06.2017.

7. Under the circumstances, learned advocate appearing for both the parties have submitted that this writ petition may be disposed off with a direction to the respondents to pay the petitioner Grade Pay of Rs. 4600/- with effect from 20.06.2017.

8. As submitted by the learned counsel for both the parties and in view of the Office Order issued by the District Programme Officer (Establishment), Education Department, Lakhisarai vide Memo No. 1446 dated 15.04.2024, granting the petitioner Grade Pay of Rs. 4600/- with effect from 20.06.2017, this writ petition is hereby disposed off with a direction to the respondents to pay to the petitioner Grade Pay of Rs. 4600/- with effect from 20.06.2017, in terms of the Office Order issued by the District Programme Officer (Establishment), Education Department, Lakhisarai vide Memo No. 1446 dated 15.04.2024, as extracted hereinabove, if not already paid to the petitioner.

9. The payment as directed above, if not already paid to the petitioner, shall be made within a period of four weeks from today.



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

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.07.2025
Transmission Date	N/A

