

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9416 of 2019

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Satyendra Kumar Ojha Son of Baidnath Ojha R/o Village-Badka Tola, Ward
No. 1, Kharhatand, P.S. Simri, District-Buxar

... .. Petitioner/s

Versus

1. The Union of India through Secretary Department of School Education and Literacy Ministry of Human Resource Development, Government of India
2. The State of Bihar through its Principal Secretary, Department of Human Resource Development, Bihar, Patna
3. The Director Primary Education, Department of Human Resource Development, Bihar, Patna
4. The State of Bihar through the Chief Secretary, Bihar, Patna
5. The Additional Chief Secretary Bihar, Patna
6. The District Programme Officer Buxar
7. The Panchayat Secretary Paigambarpur, Simari Panchayat, District-Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Saroj Kumar, Adv.
For the Respondent/s : Mr.Ramadhar Shekhar, CGC
Mr.Sujeet Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 04-03-2024

Heard learned counsel for the parties.

2. The present writ application has been filed for the following relief(s):-

“(i) To issue writ(s), order(s), direction(s) particularly writ in nature of writ of certiorari for quashing the order passed by the respondent Additional Chief Secretary vide the memo no.38 dated 09.01.201 (as contained in Annexure-6) to the writ application, whereby and where under the claim of the petitioner for grant of scale of trained



teacher has been rejected on the ground that the petitioner has not completed special training of 6 months (Bridge Course) in Elementary Education.

(ii) To issue writ in the nature of writ of mandamus directing the respondents to grant trained teacher scale to the petitioner, as the petitioner has been appointed as elementary teacher having qualification of B.Ed. Degree by the competent Authority in the year 2014 itself. When the notification dated 28.06.2018 was not in operation and his appointment has been made in terms of the provisions of Bihar State Panchayat Elementary Teacher (Employment & Service Condition) Rules 2012 according to which teacher in training includes the B.Ed. Degree.

(iii) To issue the writ in the nature of mandamus directing the respondent authority to grant trained teacher scale to the petitioner from the date of appointment of the petitioner as elementary teacher and accordingly make the payments of arrear of salary calculated on the basis of the trained scale of pay of the petitioner.

(iv) To issue any other writ(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3. Learned counsel for the petitioner submits that the petitioner has earlier filed a writ application before this Court for a direction upon the respondent to pay the trained pay scale



from the date of appointment because the petitioner has completed B.Ed degree before appointment. Petitioner's appointment was done against Bihar Panchayat Elementary Teacher Employment and Service Condition Rule, 2012. Learned counsel for the petitioner submits that thereafter, even after completion of the Bridge Course by the petitioner, the Authority has passed the impugned order dated 09.01.2019. Thereafter, the petitioner has filed a writ application for claiming his trained payscale from the year, 2014 itself. The coordinate Bench of this Court has directed to file a detailed representation before the concerned Authority and in compliance thereof, the petitioner filed a representation before the concerned Authority but the Authority passed an order (Annexure-6 to the writ application) which did not redress the grievance of the petitioner. Thereafter, the petitioner filed the present writ application. It is further submitted that the petitioner's case is squarely covered by the judgment passed in LPA No.1699/2013.

4. Learned counsel for the State submits that the Authorities have rightly passed the impugned order (Annexure-6) which is accordance with the Rules.

5. Considering the facts and circumstances of the case, the



order dated 09.01.2019 as contained in Annexure-6 to the writ application is hereby set aside and petitioner is directed to file a detailed representation before the respondent no.3 along with a copy of the judgment passed in LPA No.1699 of 2013 and other relevant documents within a period of one week.

6. The Respondent no.3 namely The Director Primary Education Department of Human Resource Development, Bihar, Patna is directed to pass a reasoned and speaking order within a period of six weeks from the date of receipt of the representation of the petitioner by personally hearing the petitioner or his counsel after giving due notice.

7. Needless to say that if a reasoned order is not passed within six weeks, the respondent no.3 shall be personally held responsible for non-compliance of the order of this Court.

(Anjani Kumar Sharan, J)

pallavi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06.03.2024
Transmission Date	N.A.

