

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19333 of 2016

Parivartankari Prarmbhik Sikshak Sangh, Bihar Regd. Office at Raksha (South), Via Kanti, P.S. Karja District- Muzaffarpur represented through its State President Sri Banshidhar Brajwashi, S/o Sri Nand Kishore Sahani, R/o Village- Raksha (South), P.S.- Karja, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of Human Resource Development, Bihar, Patna.
3. The Director, Primary Education, Department of Human Resource Development, Bihar, Patna
4. THE State Project Director, Bihar Education Project Council, Siksha Bhawan, Rashtra Bhasha Parishad, Saidpur, Rajendra Nagar, Patna.
5. The District Education Officer, Muzaffarpur.
6. The National Council for Teacher Education, Hansh Bhawan, (Wing-II) Bahadur Sah Jafar Marg, New Delhi represented through its Secretary.
7. The Member Secretary, The National Council for Teacher Education, Hansh Bhawan, (Wing-II), Bahadur Sah Jafar Marg, New Delhi.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8568 of 2018

1. Rambabu Thakur, S/o Rajendra Thakur, R/o Village- Talkhapur, P.O. + P.S.- Dumra, District- Sitamarhi.
2. Lal Babu Singh, S/o Shivdev Singh, R/o Village- Bathnaha, P.S.- Bathnaha, District- Sitamarhi.
3. Sanjay Kumar, S/o Baidyanath Sah, R/o Village- Barbari, P.S.- Sursand, District- Sitamarhi.
4. Prashant Priyadarshi, S/o Rambabu Paswan, R/o Village- Ranchauli, P.S.- Dumra, District- Sitamarhi.
5. Naresh Thakur, S/o Sri Dev Thakur, R/o Village- Dumariya, P.S.- Bathnaha, District- Sitamarhi.
6. Vinay Kumar, S/o Ramdev Paswan, R/o Village- Nonahi, P.S.- Parihar, District- Sitamarhi.
7. Babita Kumari, D/o Satyanarayan Paswan, R/o Village- Nonahi, P.O. + P.S.- Parihar, District- Sitamarhi.
8. Ajay Kumar Ranjan, S/o Kewal Das, R/o At East of Mahabir Chowk, Ward No. 5, Dumra, P.S.- Dumra, District- Sitamarhi.
9. Ranju Kumari, D/o Chandradev Paswan, R/o Village + P.O.- Sahiyara, District- Sitamarhi.
10. Rambabu Thakur, S/o Nathuni Thakur, R/o Village + P.O.- Digghi, P.S.- Bathnaha, District- Sitamarhi.
11. Phool Kumari, W/o Ajay Kumar, R/o Village + P.O.- Narha, P.S.- Bathnaha, District- Sitamarhi.
12. Sita Kumari, W/o Vijay Sah, R/o Village- Turkaulia, P.S.- Bathnaha, District- Sitamarhi.



13. Nirmala Kumari, D/o Vishwanath Prasad Singh, R/o Village- Rasalpur, P.S.- Dumra, District- Sitamarhi.
14. Vinay Kumar, S/o Sita Ram Sah, R/o Village- Ranauli, P.S.- Bathnaha, District- Sitamarhi.
15. Ramashankar Ram, S/o Yogendra Ram, R/o village- Barharwa, P.S.- Dumra, District- Sitamarhi.
16. Gita Devi, W/o Late Vashishth Mandal, r/o Village + P.O.- Talkhapur, P.S.- Dumra (Badi Bazar), District- Sitamarhi.
17. Surendra Kumar, S/o Ram Lagan Bhagat, R/o Villagel- Lachhua, P.S.- Bathnaha, District- Sitamarhi.
18. Nagendra Prasad, S/o Parmeshwar Ram, R/o Village + P.O. Majhaura, P.S.- Sursand, District- Sitamarhi.
19. Laldhari Paswan, S/o Ramchandra Paswan, R/o At Muhalla- Dumra, Garahiya Tola, Ward No. 2, P.S.- Dumra, District- Sitamarhi.
20. Alok Chandra Ranjan, S/o Late Suraj Ram, R/o Village Kapraul Tole Chainpura, P.S.- Reega, District- Sitamarhi.
21. Parashuram Paswan, S/o Amak Paswan, R/o Village- Shahiyara, P.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Sitamarhi, District- Sitamarhi.
5. The District Education Officer, Sitamarhi, District- Sitamarhi.
6. The District Programme Officer (Establishment), Sitamarhi, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj, Advocate
Mr. Mritunjay Kumar, Advocate

For the State : Smt. Shilpa Singh-G.A12
Mrs. Binita Singh, SC-28
Mr. Nishant Kumar Jha, AC to SC-

For BEPC : Ms. Nitu Jha AC to G.A 12
Mr. Girijish Kumar, Advocate

For NCTE : Mr. Sunil Kumar Singh, Advocate
Mr. Ranvijay Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 10-05-2018

Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State as well as Mr. Girijish



Kumar learned counsel appearing on behalf of the Bihar Education Project.

Learned counsel for the petitioners, with reference to the decision dated 26.02.2018 of the LPA Court in LPA No. 655 of 2015 submits that the issue raised in the present writ application is squarely covered by the decision of the LPA Court. He further submits that in view of the decision of the LPA Court the present writ application may be disposed of. The LPA Court vide order dated 26.02.2018 has allowed the appeal in the following terms:-

“A question identical in nature, has been considered in LPA No. 1699 of 2013 (Kranti Kanak & Ors. Vs. The State of Bihar & Ors.) and after taking note of various aspects of the matter in paragraph 13 onwards a Co-ordinate Bench of this Court has interfered with identical orders passed by the learned Single Bench,

“13. In order to save injustice and protect the rights of the petitioners/appellants, we would, thus, hold that the judgment of the learned Single Judge would continue to operate. The petitioners/appellants would be entitled to Matric trained scale from the day they completed the two years module. In other words, they would be deemed to be Matric trained teachers from the time the results were declared in respect of the two years course of IGNOU subject to their clearing six



months course as later prescribed. They would not be treated as Matric trained either for the purposes of seniority or for financial benefits from the date they finally completed the six months course in the year, 2014 because all that delay was caused by the State in which petitioners/appellants have no role to play.

14. Thus, this appeal is, accordingly, allowed and the judgment of the learned Single Judge, to the extent above, is explained and modified.

15. Consequently, the decision of the State Government to postpone the grant of Matric trained scale and its benefits to a date after clearing the six months course would not apply to these petitioners/appellants accordingly.”

The Court has held out that persons like the appellants would be entitled to matric trained scale from the day they completed two years module.

In view of the aforesaid, in this case also the appellant would be entitled to the trained scale from the day he completed two years module and not from the date when he completed the entire training. Accordingly, we direct that the claim of the appellant be processed and benefit granted to him with effect from the date he completed two years module and acquired six months



course without insisting upon grant of the benefit from the day he completed the entire training course.”

In view of the above, the present writ application is disposed of with the direction to the respondents to examine the case of the petitioners in the light of the decision dated 26.02.2018 in LPA No. 655 of 2015 and extend similar benefit to the petitioners, if it is found that the case of the petitioners is covered by the decision of the LPA Court. Final decision in this regard must be taken by the respondent No. 3 within a maximum period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petitions stand disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.05.2018
Transmission Date	

