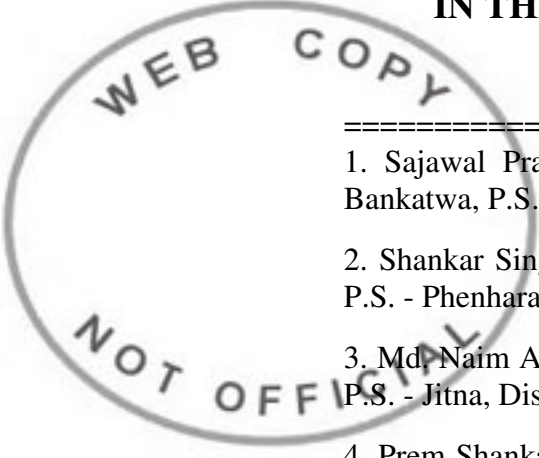


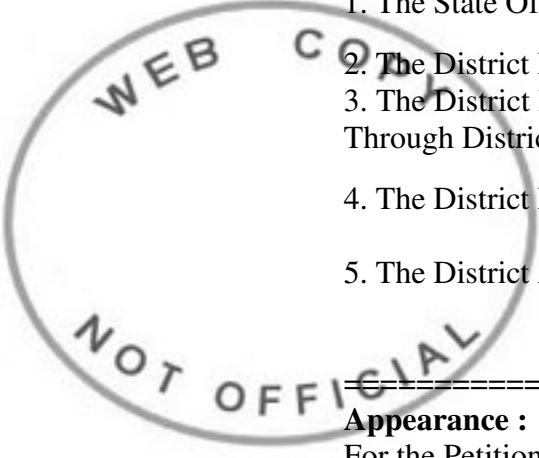
IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8443 of 2013

- 
1. Sajawal Prasad Yadav Son Of Late Achhenan Rai Resident Of Village - Bankatwa, P.S. - Jitana, District - East Champaran
 2. Shankar Singh Son Of Late Chandrika Singh Resident Of Village - Kalupakar, P.S. - Phenhara, District - East Champaran
 3. Md. Naim Ansari Son Of Pir Mohammad Ansari Resident Of Village - Jolgawa, P.S. - Jitna, District – Motihari
 4. Prem Shankar Prasad Son Of Brij Nandan Prasad Resident Of Village - Raksha Rahimpur, P.S.- Dhaka, District East Champaran
 5. Yogendra Prasad Son Of Khakhan Sah Resident Of Village - Tin Kour, P.S. - Dapa, District - East Champaran
 6. Kehri Prasad Son Of Late Husani Rai Resident Of Village - Bankatwa, P.S. Jitanpura, District - East Champaran
 7. Surendra Tiwari Son Of Raghunath Tiwari Resident Of Village - Raghunathpur, P.S. - Paharpur, District - East Champaran
 8. Brahmadeo Mahto Son Of Sahdeo Mahto Resident Of Lamouniya P.S.- Sugauli, District - East Champaran
 9. Baidhnath Prasad Kumar Son Of Churaman Prasad Resident Of Village - Panditpur, P.S. - Paharpur, District - East Champaran
 10. Chathu Lal Nirala Son Of Late Banti Lal Sah Resident Of Village - Ekdari, P.S. - Chhaura Dano, District - East Champaran
 11. Bhikhari Sah Son Of Ram Awatar Sah Resident Of Village - Bhakshaha, P.S. Harsidhi, District - East Champaran
 12. Mangal Parit Son Of Ram Dayal Parit Resident Of Village - Paritpur, P.S. - Paharpur, District - East Champaran
 13. Mahadeo Mahto Son Of Shiv Prasad Mahto Resident Of Village - Math Lohiyar, P.S. Harsidhi, District - East Champaran
 14. Bhagirath Tiwary Son Of Ram Dulla Tiwari Resident Of Village - Math Lohiyar, P.S. Govindganj, District - East Champaran
 15. Fhulaina Mishra Son Of Gyani Mishra Resident Of Village - Panditpur, P.S. - Harsidhi, District - East Champaran
 16. Uday Narayan Singh Son Of Late Jagdish Singh Resident Of Village - Lakhouira, P.S. - Muffasil, District - East Champaran

.... Petitioner/s

Versus

- 
1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna
 2. The District Education Officer, East Champaran, Motihari
 3. The District Primary Teachers Promotion Committee, East Champaran , Motihari
Through District Education Officer East Champaran, Motihari
 4. The District Programme Officer (Establishment) East Champaran
 5. The District Account Officer, East Champaran

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ebrahim Kabir, adv.

Mr. Shruti Sinha, adv.

Mr. Kumar Rajeev, adv.

For the Respondent/s : Mr. Purnendu Singh, G.P.-21

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 05-04-2016

1. Heard learned counsel for the petitioners and learned counsel for the State.

2. In this case, limited grievance has been raised that juniors to the petitioners have been given the pay scale of Rs.5500-9000/-, whereas the petitioners, being seniors, have been left out.

3. Learned counsel for the State submits that a communique was issued by the District Education Officer, East Champaran, Motihar, stating that a graduate person having 12 years' of service and a person, who is matriculate or intermediate having 18 years of service, will be given Grade-II scale and the Government prepared a

panel and were also asked to give objection, if any, against names appearing in the list within 15 days.

4. As per the learned counsel for the State the petitioners did not raise any objection with regard to non-inclusion of their names. Now they cannot turn round and make a grievance that they have not given the pay scale of Rs.5500-9000/-, when they already superannuated from the service.

5. Having considered the rival contentions of the parties, the State Government is not denying that the persons who are juniors to the petitioners have been given the pay scale of Rs.5500-9000/-, merely ground has been taken that the petitioners have not raised any grievance, so now they cannot claim the benefit of pay scale of Rs.5500-9000/-. If a junior person has been given any benefit, the Constitution has given a protection to the senior, at least he/she would get pay from the same date the juniors have been given the said benefit.

6. In such view of the matter, let the District Education Officer, East Champaran, Motihar, examine the case of the petitioners and if it is found that the petitioner are really being discriminated in giving the pay scale, he can rectify the mistake by giving the same pay scale of

Rs.5500-9000/- from the date when the juniors to the petitioners have been given.

7. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

U			
---	--	--	--