

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9677 of 2014

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Sri Bishwanath Sah, Son of Late Jainarayan Sah Resident of Mohalla - Charuchandra Mukherjee Road Adampur, near 'Akashwani' Bhagalpur. In front of Sankat Mochan Dwar, P.S. - Adampur, District - Bhagalpur.

.... Petitioner/s

Versus

1. The Tilkamanjhi Bhagalpur University through the Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
2. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
3. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur.
5. The Government Auditor-cum-Financial Advisor, Tilka Manjhi Bhagalpur University, Bhagalpur.
6. The state of Bihar through Commissioner-cum-Secretary, Human Resources Development Department, Government of Bihar, Patna.
7. The Director (Higher Education), Human Resources Development Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Radha Raman Verma
For the State	:	Mr. S. S. P. Yadav
For the University	:	Mr. Rajendra Kumar Giri

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 29-11-2016

Heard learned counsel for the parties.

The State as well as the university has filed counter affidavit. Their stand is that based on the notification, dated 23.06.2014 (A) to counter affidavit of State, issued under the signature of the Joint Secretary, Department of Education, Government of Bihar, Patna, the pay-scale stood revised and benefit extended. A reading of the said notification itself indicates that there shall be two kinds of pay-scales, one for matric and other for holder

of graduation degree. Petitioner is a matriculate and, therefore, the pay-scale for him is Rs. 4,000-6000 /-.

After much exercise done by the petitioner, he in his rejoinder application has annexed Annexure-12 and based on this notification, dated 29th of August, 1996, he submits that even a Praveshika is as good as graduate and, therefore, he must get the benefit to which he is asking for.

Counsel for the university has very rightly pointed out that the notification in question pressed into service has been quoted out of context and this meant for the employees working in the Governor Secretariat and nothing to do with the university.

There is no mystery why the petitioner is earning or had earned a lower pay-scale viz-a-viz his other colleagues. The distinction is in the qualification and not the post.

The petitioner cannot earn and beget anything different from what has been notified for people like him with the kind of qualification he has. Therefore, the plea of discrimination is misplaced.

Writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	30.11.2016
Transmission Date	