

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1290 of 2013

IN

Civil Writ Jurisdiction Case No. 7089 of 2013

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Parivartankari Prarambhik Shikshak Sangh, Raksa Dakshin, Via Kanti, Prakhand Marvan, Distt. - Muzaffarpur Through The President, Parivartankari Prarambhik Shikshak Sangh, Block Unit Tariyani, Distt. - Sheohar

.... Appellant/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 Principal Secretary, Finance Department, Government Of Bihar, Patna
4. The Principal Secretary, Personnel And Administrative Reforms Department, Government Of Bihar, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vaidehi Raman Prasad Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 15-05-2017

I. A. No. 3516 of 2017

The Court is not satisfied with the explanation as such, because lack of knowledge cannot be a ground for condonation, especially when all orders are now readily available on the internet and also on the platform used by the State authorities for communication to different officers of the State of the department concerned.

However, the cost of Rs. 5,000 /- (five thousand) is reduced to Rs. 500 /- (five hundred), which will be payable to the



learned junior counsel for the appellant.

The cost must be paid by the Wednesday, i.e., 17th of May, 2017.

Interlocutory Application is allowed to the extent indicated above.

Heard counsel for the appellant and counsel for the State.

The principle of equal pay for equal work cannot be applied out of context in every situation. Two unequal cannot be treated as equals, even though it may seem so in the eyes of the claimant.

The Learned Single Judge has dealt with the background of the engagement of the so called members of the appellant, who are supposed to be all Panchayat Teachers. They are not permanent government employee, but are part of contractual hiring, which has been done by the Panchayats and not by the State.

In this background, the stand of the counsel for the appellant that since these teachers are also doing the same work as Primary Teachers in the schools, they should be treated as equal is a misplaced kind of expectation to have. The Learned Single Judge has committed no error by rejecting such a prayer by order, dated 05.04.2013, which is under challenge in the appeal.

There is no equality between the Panchayat Teachers as well as the regularly appointed Teachers in the elementary schools,



because the method and methodology of appointment, the nature of work, etc., are totally different from the regular teachers.

Appeal has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

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