

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1374 of 2011

In

Civil Writ Jurisdiction Case No. 12190 of 2001

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Nawal Kishore Prasad S/O Late Jitu Singh Auxiliary Health Worker, C.D. Block, Bihar (Patna) and Secretary, Bihar State Auxiliary Health Workers Employees Union

.... Appellant

Versus

1. The State Of Bihar through Secretary Cum Health Commissioner Govt. Of Bihar, Health Department, New Secretariat, Bailey Road, Patna
2. Finance Commissioner Finance Deptt., Govt. Of Bihar, Old Secretariat, Patna
3. Director-In-Chief Health Services, Govt. Of Bihar, Patna

.... Respondents

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Appearance :

For the Appellant : Mr. Nawal Kishore Singh, Advocate
Mr. Binay Kumar, Advocate

For the State : Mr. Dharendra Kumar, AC to AAG-6

For Accountant General : Mr. Raghwanand, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

8 12-12-2017

In the matter of granting pay-scale to Auxiliary Health Workers at par with Block Extension Educators in the revised pay-scale of Rs.5000-8000/-, the learned Writ Court has held that once the Pay Commission has recommended a higher pay-scale to the Block Extension Educators based on their qualification, merely because on earlier occasion the pay-scale for both these posts were identical, the learned Writ Court cannot issue a mandamus and directed for grant of higher pay-scale to



the petitioner contrary to the recommendations made by the Pay Commission. For doing so, the learned Writ Court has referred to various judgments which prohibit a mandamus being issued contrary to the recommendations of the Pay Commission, exercising appellate jurisdiction in a proceeding under Article 226 of the Constitution.

Keeping in view the aforesaid aspect of the matter, which has been dealt in extenso by the learned Writ Court, we see no reason to make any indulgence into the matter.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

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