

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4167 of 2016

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Madhabi Banerjee, Wife of Devbrat Chatterjee, Resident of Flat No. B-33,
Nandan Home Apartment, Khajpura, Bailey Road, P.S.- Airport, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Primary Education, Bihar, Patna.
2. Director, Primary Education, Bihar, Patna.
3. District Programme Officer, Patna.
4. District Education Officer, Patna.
5. Head Master, Rajkiya Kanya Madhya Vidyalaya, Adalatganj (Water Tower)
Patna.
6. Drawing and Disbursing Officer, Punaichak, Middle School, Punaichak,
Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh
For the Respondent/s : Mr. Roy Shivaji Nath- Aag3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 27-03-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Grievance of the petitioner in the present writ
application is non-consideration of her case for grant of senior
pay scale and discrimination adopted by the respondents in the
matter of grant of such pay scale.

A counter affidavit has been filed on behalf of the
respondents wherein they have not answered the issue as to the
entitlement of the petitioner for such senior pay-scale and the
allegation discrimination. The counter affidavit appears to be
evasive. It has not answered the issue raised in the writ petition



and instead of replying the averments made in the writ petition, reference has been made to the dispute which led the adjudication by the Full Bench in LPA Nos. 1137, 1138 of 1996. Such counter affidavit is of no assistance of this court.

Under the aforesaid, the writ petition is disposed of with direction to the respondent no.4 to consider the case of the petitioner for grant of senior pay scale considering the statement of the petitioner that similarly circumstanced have been granted such benefit.

Final decision in this regard may be taken by respondent no.4 District Programme Officer, Patna within a period of sixty days from the date of receipt/production of a copy of this order with all consequential benefit including the monetary benefit should be extended to the petitioner within the time frame as indicated hereinabove.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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