

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1381 of 2018

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1. Tarique Rasheed Son of late Prof. Abdur Rasheed, Resident of Mohalla-New Azimabad Colony (West), Near Jame Raza Madarsa, P.O.-Mahendru P.S.-Bahadurpur, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Human Recourses Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Principal Secretary, Human Recourses Development Department, Government of Bihar, Patna.
5. The Director Secondary Education, Directorate of Secondary Education, Government of Bihar, Patna
6. The Joint Director Secondary Education, Directorate of Secondary Education, Government of Bihar, Patna
7. The Divisional Commissioner Patna
8. The District Magistrate, Patna District-Patna.
9. The Regional Deputy Director Education (Rdde), Patna.
10. The District Education Officer, Patna, District-Patna
11. The District Programme Officer (Est.), Patna, District-Patna
12. The Treasury Officer, Patna District-Patna.
13. The Accountant General, Bir Chand Patel Path, Patna.
14. The Principal devi Pad Chaudhary Shahid Smarak (Millar) Senior Secondary School, Bir Chand Patel Path, Patna.
15. Ratan Kumar Singh Son of Not Known to Petitioner, Heas Master Rajkiyakrit Inter Vidyalaya Kishanganj, District-Kishanganj.
16. Arun Prakash Son of Not Known to Petitioner, Assistant teacher in Devi Pad Chaudhary Shahid Smarak (Millar) Senior Secondary School, Bir Chand Patel Path, Patna.
17. Kiran Jha Wife of Not Known to Petitioner, Assistant Teacher in Devi Pad Chaudhary Shahid Smarak (Millar) Senior Secondary School, Bir Chand Patel Path, Patna.
18. Gazala Tarannum Wife of Not Known to Petitioner, Assistant Teacher in Devi Pad Chaudhary Shahid Smarak (Millar) Senior Secondary School, Bir Chand Patel Path, Patna.
19. Shahnaz Bano Wife of Not Known to Petitioner, Asistant teacher in Devi Pad Chaudhary Shahid Smarak (Millar) Senior Secondary School, Bir Chand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar
For the Respondent/s : Mr. Jitendra Kumar Roy No-1 -Sc13
For the State : Mr. Bijay Biswan, A.C. to S.C.13.
For the Accountant General : Mr. Purusuttom Kumar, Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER



3 13-04-2018 From perusal of Annexure-7, it appears that the Director Secondary Education, Directorate of Secondary Education, Government of Bihar, Patna has passed most unreasonable order. In no case junior should be paid more salary than the salary of senior teacher. Notwithstanding factual position that petitioner Tarique Rashid who is senior to Ratan Kumar Singh was granted less salary than his junior.

In the matter of pay disparity, the respondent Director instead of adopting correcting measure passed the order which is unsustainable in law. Under the aforesaid circumstances, the Court is left with no option but to quash the order contained in Annexure-7. This order is passed in view of the fact that the respondent was granted six weeks time by order dated 8.2.2018 to file counter affidavit but they did not file the counter affidavit.

The respondent-Director Secondary Education, Government of Bihar, Patna is hereby directed to reconsider the case and fix the pay-scale of the petitioner commensurate with his seniority and in any case not below the salary of the person admittedly junior to the petitioner. The corrective exercise should be taken by the respondent-Director within a maximum period of 60 days from the date of production of a copy of this order.

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(Anil Kumar Upadhyay, J)

