

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20933 of 2014

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1. Hari Nandan Jha Son of Sri Chandra Nand Jha Resident of Village + P.O.-
Sitapur, District - Supaul presently working as Incharge Headmaster, Project Lalit
Narayan High School, Ratanpur, Supaul

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Government of Bihar, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Director, Secondary Education, Government of Bihar, Patna
4. The Regional Deputy Director of Education, Saharsa
5. The District Education Officer, Supaul

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.
V. K. Mukul, Adv.

For the Respondent/s : Mr. N.K. SINGH, GP-26.
Mr. Ravi Verma, A.C. to G.P.-4.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 07-08-2018

Heard learned counsel for the petitioner, counsel appearing on
behalf of the State.

The claim of the petitioner for payment difference of arrears of
salary w.e.f 15.01.1982 to 30.03.1986 on the ground that in similar
matter other teachers have been granted pay-scale and difference of prior
to 1.4.1986.

Learned counsel for the petitioner submits with reference to
Annexure -9 that in case of other teacher direction was issued by the
Additional Director, Education for payment of difference of salary prior
to 01.04.1986, but in the case of this petitioner different stand was taken
by the Director vide Annexure-8.

Admittedly, the Additional Director is not superior to the Director



and as such the Court does not find any substance in the claim of the petitioner on the basis of the letter issued by the Additional Director when the claim of the petitioner was categorically examined and decided by the Director. However, State is suppose to act on uniform basis and pass orders for payment on similar line. If others are paid arrears of salary, there is no reason for differential treatment. But prima facie the Court does not find any material to approve the claim of the petitioner.

Under the aforesaid circumstance, this writ petition is disposed of with the direction to the petitioner to approach the Director, Secondary Education who shall enquire into the matter and if others have been validly granted arrears of salary, the petitioner may be granted the same benefit. In the case of others have been illegally granted that cannot be a ground to perpetuate the illegality. The decision on the claim of the petitioner must be taken by the respondent-Director within a maximum period of four months from the date of filing of such representation alongwith a copy of this writ application.

With the aforesaid observation and direction, this writ petition is disposed of.

(Anil Kumar Upadhyay, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16/08/2018
Transmission Date	NA

