

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11531 of 2014

1. Shiva Kant Jha, son of Late Kedar Nath Jha, Retired Headmaster, Middle School, Belahi, P.s.+Block- Marauna, District- Supaul
2. Upendra Prasad Yadav, son of Late Agamlal Yadav, Retired Headmaster, Middle School, Piprahi, P.s.+Block- Supaul, District- Supaul
3. Madaneshwar Jha Son of Late Chandreshwar Jha, Headmaster, Middle Schol, Veena Babhangama, P.s.+Block- Supaul, District- Supaul
4. Bijendra Jha Son of Late Ram Kinkar Jha, Headmaster (Retd.), Middle School, Ratanpur, P.s.+Block- Basantpur, District- Supaul
5. Pashupati Nath Jha, Son of Late Chandreshwar Jha, Retired Headmaster, Murli Manohar Middle School, Barail, P.s.+Block- Supaul, District- Supaul
6. Nagesh Chandra Khan, son of Late Kusheshwar Khan, Headmaster, Meghnath Girls Middle School, Veena Babhangama, P.s.+Block- Supaul, District- Supaul
7. Ramjeevan Lal, son of Late Ram Sundar Lal Das, Retired Headmaster, Middle School, Hardi, P.S.+Block- Supaul, District- Supaul
8. Shailendra Kumar Verma, son of Late Visheshwar Lal Das, Retired Headmaster, Middle School, Ekma, P.S.+Block- Supaul, District- Supaul
9. Giridhar Kumar, son of Shri Narayan Kumar, Headmaster, Middle School, Sisauni, P.S.+Block- Kishanpur, District- Supaul
10. Shatrughan Prasad Yadav, son of Bande Lal Yadav, Retired Headmaster, Middle School, Rajpur, P.S.+Block- Pipra Bazar, District- Supaul
11. Md. Hussain, son of Md. Hashim, Retired Headmaster, Middle School, Thumha, P.S.+Block- Pipra, District- Supaul
12. Shashi Bushan Singh, son of Late Dharmeshwar Singh, Retired Headmaster, Middle School, Dumari, P.S.+Block- Raghapur, District- Supaul
13. Maheshwar Prasad, son of Late Ramjee Prasad, Headmaster (Retd.), Middle School, Belahi, P.S.+Block- Marauna, District- Supaul
14. Mahendra Chaudhary, son of Late Ram Prasad Chaudhary, Retired Headmaster, Middle School, Narayanpur, P.S.+Block- Saraigarh Bhaptiyahi, District- Supaul
15. Satyendra Narayan Singh, son of Late Ram Swaroop Prasad Singh, Retired Headmaster, Middle School, Birpur, P.S.+Block- Basantpur, District- Supaul



16. Surendra Kumar Jha, son of Late Parmanand Jha, Retired Headmaster, Middle School, Babhangama, P.S.+Block- Triveniganj, District- Supaul
17. Shiv Narayan Yada, son of Late Raghuwar Yada, Headmaster, Bhairav Middle School, Gajpatganj, P.S.+Block- Raghapur, District- Supaul
18. Krishnadeo Jha, son of Late Hardeo Jha, Retired Headmaster, Middle School, Pandeypatti, P.S.+Block- Triveniganj, District- Supaul
19. Gunakar Mishra, son of Late Shobha Kant Mishra, Retired Headmaster, Middle School, Govindpur, P.S.+Block- Raghapur, District- Supaul
20. Diwakar Jha, son of Shri Shashinath Jha, Headmaster, Middle School, Simra, P.S.+Block- Supaul, District- Supaul
21. Ramjeevan Jha, son of Late Awadh Narayan Jha, Retired Headmaster, Middle School, Parsarma, P.S.+Block- Supaul, District- Supaul
22. Lakshmikant Jha, son of Late Raj Narayan Jha, Headmaster, Middle School, Daulatpur, P.S.+Block- Raghapur, District- Supaul
23. Bal Krishna Ratna, son of Late Thithar Gurujee, Headmaster, Girls Middle School, Pipra Bazar, P.S.+Block- Pipra, District- Supaul
24. Gulam Mustafa, son of Late Md. Sayed, Headmaster, Middle School, Dhadhi Bhawanipur, P.S.+Block- Pipra, District- Supaul
25. Binod Kumar Das, son of Late Kapileshwar Das, Retired Headmaster, Middle School, Hridyanagar, P.S.+Block- Basantpur, District- Supaul
26. Raj Kishore Rajak, son of Late Asharfi Rajak, Headmaster (Retd.), Middle School, Pipra Bazar, P.S.+Block- Pipra, District- Supaul
27. Damodar Prasad Yadav, son of Late Nageshwar Prasad Yadav, Retired Headmaster, Middle School, Harari, P.S.+Block- Marauna, District- 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, Primary Education, Government of Bihar, Patna
4. The Regional Deputy Director of Education, Kosi Division, Saharsa
5. The District Magistrate, Supaul
6. The Deputy Development Commissioner, Supaul
7. The District Education Officer, Supaul
8. The District Programme Officer (Establishment), Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra



For the Respondent/s : Mr. Gp9- Din Bandhu Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 10-08-2018 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

The grievance of the petitioners in the present writ application is non-payment of salary admissible to the Headmaster from the date the promotion of the petitioners was made effective.

Learned counsel for the petitioners submits that petitioners were officiating on the post of Headmaster and thereafter, they were granted regular promotion from the date the petitioners were working as officiating Headmasters but monetary relief was confined to the date of issuance of notification, he submits that similarly circumstanced other who have worked as in-charge Headmaster was granted monetary benefit from the date of promotion was made effective. He submits that petitioners are entitled to payment of salary of Headmaster as they have actually discharged the responsibility of the Headmaster and subsequently the respondents have issued notification of promotion of the petitioners as Headmaster.

On behalf of the respondents a stand has been taken in para-9 of the counter affidavit that the claim of the petitioners is



not tenable since it was not a regular promotion it was simply to fill the gap because of upgradation of primary schools in middle schools. Since petitioners were only allowed to function as Headmaster, they are not entitled to pay scale of Headmaster.

Learned counsel for the petitioners submits that petitioners have actually worked as Headmaster for nearly two decades and respondents have not disputed the aforesaid fact. Under the aforesaid circumstances, the petitioners are entitled to pay scale of Headmaster from the date petitioners are regularly discharging the responsibility of the Headmaster, He submits that there is no dispute that on the date when the petitioners were asked to perform the duty as officiating Headmaster. Petitioners were holding the requisite qualification for the post of Headmaster.

Considering the totality of facts situation and the judgment of Apex Court in the case of **Arindam Choudhary AIR 2013 SC 1535** the Court is constrained to hold that respondents are under obligation to grant monetary benefit treating the petitioners as Headmasters from the date petitioners were allowed to officiate on the post of Headmaster and petitioners continued on the said post for more than two decades followed by regular promotion from the date of officiation, the



respondents are required to work out the entitlement of the petitioners within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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