

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14916 of 2016

=====

Umesh Prasad Yadav son of Anik Prasad resident of Shastri Colony Jamui,
P.S. & Dist. Jamui at present posted as Head Master, Middle School, Amrath.

... .. Petitioner/s

Versus

1. The State of Bihar through District Education Officer, Jamui.
2. Chief Secretary, Govt. of Bihar, Patna.
3. Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
4. Principal Secretary, Human Resource Department, Government of Bihar, Patna.
5. Director, Secondary Education, Govt. of Bihar, Patna.
6. District Magistrate, Jamui.
7. Regional Deputy Director of Education, Munger Division, Munger.
8. District Education Officer, Jamui.
9. District Education Officer, Munger.
10. District Accounts Officer, Jamui.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate
For the Respondent/s : Mr. Jitendra Kumar Roy-Sc13

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 15-05-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner has filed the present writ petition
disputing the validity of the re-fixation of pay scale.

Learned counsel for the petitioner submits that the
petitioner was granted pay scale on 6.2.1990 with effect from
18.4.1987 and respondents have arbitrarily reduced the pay
scale without giving any opportunity and even they have not
passed any order reducing the pay scale.

Mr. Prabhat Ranjan Singh, learned counsel for the



petitioner submits that the present issue was earlier adjudicated by a Co-ordinate Bench of this Court in CWJC No. 8333 of 1999 (Shiva Kant Jha Vs. The State of Bihar & Ors.) vide order dated 29.7.2004 and as such he submits that the issue is no more res integra. The respondents are required to consider the case of the petitioner in the light of the decision of the Co-ordinate Bench in the case of Shiva Kant Jha (supra).

Considering the aforesaid, the writ petition is disposed of in view of the fact that the writ petition was filed on 2.9.2016 with two advance copies in the office of the Advocate General but the respondents have not filed any counter affidavit even after nearly 2 years and as such instead of keeping the writ petition pending, it is disposed of with a direction to the respondents to consider the case of the petitioner in the light of the decision in the case of Shiva Kant Jha (supra) within a maximum period of 60 days from the date of receipt/production of a copy of this order.

If it is found that the principle decided in that case applies in the present case, similar benefit should be extended to the petitioner and if it is found that the petitioner was correctly granted pay fixation on 6.2.1990 with effect from 18.4.1987, the petitioner should be restored the entire benefits in terms of the



pay scale fixation order dated 6.2.1990.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

spandey/-

U			
---	--	--	--

