

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3657 of 2019

1. Balendra Sharma and Ors S/o Rm Narayan Sharma Resident of Villager-Madhopur,P.S. Madhopur,Dist..Muzaffarpur,Presently working as Headmaster at Middle School,Brahmpura,Motipur,Dist.-Muzaffarpur
2. Uday Shankar Pandit S/o Sukha Pandit Resident of Village-Jagdishpur Kusahi,P.S. Mohammadpur Balmi,Dist.-Muzaffarpur presently posted as Headmaster at Upgraded Middle School Mohaddipur,P.S. Motipur,Dist.-Muzaffarpur
3. Rajesh Kumar S/o Late Bharat Thakur Resident of Village-Khantri,Mahanand P.O. Birhima Bazar, P.S. Motipur,Dist.-Muzaffarpur,presenty posted as Headmaster at Upgraded Middle School Mohmada,Motipur,Dist.-Muzaffarpur
4. Lal Mohan Thakur S/o Shivnandan Thakur Resident of Mohammadpur Balmi, P.S. Mohammadpur Balmi,Dist.-Muzaffarpur, presently posted as Headmaster at Upgraded Middle School Birhima Bazar,P.S. Motipur Dist.-Muzaffarpur
5. Rajhesh Kumar S/o Dwarika Prasad Mohalla Krishna toll,Road No.5,P.O. M.I.T.,P.S. Brahmpura,Dist.-Muzaffarpur,presently posted as Headmaster at middle School,Juneda,P.S. Motipur,Dist.-Muzaffarpur
6. Deepak Kumar S/o Ram Charitra Prasad Resident of Mohalla-Krishna toll, P.O. M.I.T., P.S. Brahmpura,Dist.-Muzaffarpur, presently posted as Headmaster at Upgraded Middle School Sendhuari Purusottam,P.S. Motipur,Dist.-Muzaffarpur
7. Phaiyaz Ahmad S/o Nematullah Resident of Chaknagri,P.O. Katahan,Via Mehshi,Dist.--East Champaran,Presently residing at-Sir Syed Colony,P.S. Ahiyapur,Dist.-Muzaffarpur,presently posted as Headmaster at Upgraded Middle School (SC) Bhataulia,P.S. Motipur,Dist.Muzaffarpur
8. Md. Mustakin Ansari S/o Md. Habib Ansari Resident of Panapur, P.O. Rampur Meena,Parsauni Nath,Dist.-Muzaffarpur,presently posted as Headmaster at Middle School,Motipur,Dist.-Muzaffarpur
9. Harendra Kumar Chaudhary S/o Mahendra Chaudhary Resident of Village-Madhopur,P.S. Madhopur,Dist.-Muzaffarpur,presently posted as Headmaster at Middle School Anjanakot,Motipur,Dist.-Muzaffarpur
10. Md. Farid Ansari s/o Abdul Latif Ansari Resident of Parsauni Kapur,P.S. Kathaiya,Dist.-Muzaffarpur,presently posted as Headmaster at Middle School,Gopinathpur Urdu,Motipur,Dist.-Muzaffarpur
11. Donkar Nath Knak S/o Mahendra Das Resident of Rahul Nagar,P.O. M.I.T.,P.S. Brahmpura,Dist.-Muzaffatrpur,presently posted as Headmaster at Middle School Barjidihi,Motipur,Dist.-Muzaffarpur
12. Ram Babu Prasad S/o Bhola Sahani Resident of Village-Kalyanpur Harauna,P.O. Morsandi,Dist.-Muzaffarpur,presently posted as Headmaster at Middle School,hardi Motipur,Dist.-Muzaffarpur
13. Rajendrea Sah S/o Jeevan Sah Resident of Mohaddipur,P.O. Mohaddinpur,P.S. Motipur,Dist.-Muzaffarpur,retired Headmaster at Middle School,Brahmpura,Motipur,Dist.-Muzaffarpur



... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, govt. of Bihar, Patna
2. The Principal Secretary, Education Department, govt. of Bihar, Patna
3. The Director Primary Education Department, govt. of Bihar, Patna
4. The Regional Deputy Director of Education, Muzaffarpur
5. The District Education Officer, Dist.-Muzaffarpur
6. The District Program Officer (Establishment), Dist.-Muzaffarpur
7. The District Accounts Officer, Dist.-Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh
For the Respondent/s : Mr. Kameshwar Kumar (Gp17)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-02-2019 The present writ petition has been filed seeking the following reliefs:-

- i.) To hold and declare that, upon being promoted as Headmaster the petitioners are / were entitled for being extended the benefit of Grade Pay of 5400/- {in pay band – 2 (i.e. 9300-34800/- of the 6th Pay Revision)}, and accordingly the petitioners are / were also entitled for being paid her salary, w.e.f. date of promotion, as per the Level No. 9 of the Pay Matrix of the 7th Pay Revision (which has been made applicable (as replacement) for Pay in the Pay Band-2 (i.e. 9300-34800) with Grade Pay of 5400/-}.
- ii. For issuance of an Order / Direction or a writ in nature of Mandamus, commanding the Respondents concerned to grant the pay scale of the petitioners as per the Level No. 9 of the Pay Matrix of the 7th Pay Revision, which has been made applicable as replacement scale, taking into account Grade Pay of 5400/-, w.e.f. date of Promotion as Headmaster, in the Pay



Band-2 (i.e. 9300-34800), which is applicable to the teachers of same category working in different districts under the State of Bihar.

iii.) For grant of any other relief / relieves to which the Petitioners may be entitled to in the eye of law in the given facts & circumstances of the present case.

2. That, the instant writ petition is sought to be maintained on amongst others the following main grounds:-

i. Whether, upon being promoted as Headmaster, the Petitioners are entitled for being extended the benefit of Grade Pay of 5400/- {in Pay Band – 2(i.e. 9300-34800/- of the 6th Pay Revision)} ?

ii. Whether, the petitioners are also entitled for being paid her salary as per the pay scale prescribed by the State Govt. i.e. Level No. 9 of the Pay Matrix of the 7th pay Revision {which has been made applicable (as replacement) for Pay in the Pay Band – 2 (i.e. 9300-34800) with Grade Pay of 5400/-}?

iii.) Whether, the pay band of Rs. 5400/- is not paid on account of promotion to the post of headmaster in different district under the State of Bihar but in case of Muzaffapur district discriminatory action is being taken which is not sustainable in the eye of law.

iv) Whether the accountant General Bihar has not granted its approval in grant of Grade Pay Rs. 5400/- to the other similarly situated Headmasters?

v) Whether the stand of the respondents is not discriminatory act which is violative of Article 14 and 16 of the Constitution of India ?

vi) Whether the grade pay to headmaster can vary from one district to another district ?

Vii) Whether the action of the respondents is otherwise bad in law ?

The learned counsel for the petitioners submits that the petitioners would be approaching the respondent no. 1 i.e.



the Principal Secretary, Education Department, Govt. of Bihar,
Patna for redressal of their grievances.

In view of the aforesaid, the present writ petition is
disposed of with liberty to the petitioners to approach the
Principal Secretary, Education Department, Govt. of Bihar,
Patna and in case, appropriate petition is filed within a period of
eight weeks from today, the Principal Secretary, Education
Department, Govt. of Bihar, Patna shall adjudicate the case of
the petitioners on merits and dispose of the same within a period
six weeks thereafter.

The present writ petition is disposed of on the
aforesaid terms.

(Mohit Kumar Shah, J)

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