

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12944 of 2014

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Jagarnath Baitha son of Late Nathuni Baitha, resident of village- Rampur
Balou, P.O. Balathari, P.S.- Kuchaiko, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, New Secretariat, Patna
3. The Director Primary Education the Government of Bihar, New Secretariat, Patna
4. The District Education Officer, Gopalganj
5. The District Programme Officer Establishment, Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
Mr. S. Azeem, Advocate

For the Respondent/s : Mr. Dharendra Kumar, A.C. to A.A.G.-6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

- 4 11-04-2019 The petitioner, who has already been promoted as a Headmaster, has come up questioning the validity of the grade-pay which, according to him, is lesser than that of a Graduate teacher whose grade-pay is higher than that of the Headmaster of a Middle School. It is submitted that a graduate teacher in Grade I has the grade-pay of Rs. 5400/- whereas the Headmaster in Grade III has a grade-pay of Rs. 4800/- and that of Grade II is Rs. 5400/-. This, according to the appellant, is a clear discrimination and therefore a person holding a higher post cannot be given a lesser grade-pay than that of a graduate teacher. Consequently, the said fixation in the Rule is sought to be challenged on the ground of violation of



Article 14 of the Constitution of India.

We have considered the submissions raised and we do not find any such pleadings that may, from the consequences, indicate the payment of lesser emoluments to the petitioner. What appears is that the grade-pay of the graduate teacher appears to have been fixed after the award of selection grade. This, therefore, does not create any dissimilarity inasmuch as the award of selection grade, if results in a higher grade-pay, cannot be made a ground for discrimination unless it is shown that the Headmaster of a Middle School is getting lesser gross emoluments as compared to that of a graduate teacher. There is no fact pleaded in the entire writ petition about the gross emoluments being received by the petitioner so as to demonstrate that he is receiving a lesser salary or emoluments than that of a graduate teacher.

There is, therefore, no material or fact which may impel us to consider that the Rule is otherwise invalid.

Consequently, we find no merit in the pitition. It is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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