

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15248 of 2017

=====

Md. Zuver Ansari S/o Late Hanif Ansari, R/o Village- Chhoti Ballia,
Lakhminiya, P.S.- Ballia, Dist- Begusarai.

... .. Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Old Secretariat, Patna
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Accountant General, Bihar, Patna..
4. The Director, Primary Education, Bihar, Patna.
5. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
6. The Joint Secretary, Department of Finance (Pay Fixation), Govt. of Bihar, Patna.
7. The District Magistrate, Begusarai.
8. The D.D.C. cum Chairman District Education Committee, Begusarai.
9. The District Superintendent of Education, Begusarai.
10. The District Treasury Officer, Begusarai.
11. The Audit Officer, Begusarai.
12. The Head Master cum D.D.O. Primary Urdu Girls School, Panchvir, Sahebpur Kamal, Begusarai.

... .. Respondents

=====

Appearance :

For the Petitioner : Mr.Shubhesh Pandey, Advocate
For the Respondents : Mr.Kameshwar Kumar-GP17

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 18-02-2020

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The grievance of the petitioner is for grant of
matric trained pay scale with effect from the date of his initial
appointment.

Learned counsel for the State submits that result of



the examination of teachers' training was published in the year 1984, from that date the petitioner was granted matric trained scale, moreover the petitioner has approached this Court after delay of a long period.

So far as grant of matric trained pay scale is concerned, if any teacher, who had passed training examination in 1984 in the same transaction, has been granted the said pay scale from an early date then there is substance in the case of petitioner that it is a case of discrimination. Discrimination goes to the root of the case and delay will not come in the way of the respondents in redressing the grievance of the petitioner as delay is consequential when third party right accrued during intervening period. In the case of discrimination, the State cannot be allowed to take stand of delay to justify discrimination.

In the peculiar facts of the case, the writ application is disposed of with a direction to the respondent-District Education Officer, Begusarai to examine the claim of the petitioner and if any teacher, who has passed training examination in 1984 in the same transaction, has been granted the said pay scale from an early date, in that situation, the case of the petitioner may also be considered and necessary decision



in this regard shall be taken by the respondents at the earliest preferably within a period of four months from the date of receipt/production of a copy of this judgment.

With the aforesaid, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22.02.2020
Transmission Date	N.A.

