

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6494 of 2021

Uma Bharti Daughter of Lakshmi Narayan Mahto Resident of Shivaji Nagar,
Basant Ganj, P.O.- Lalbagh, P.S.- Darbhanga, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. Principal Secretary Finance Department, Old Secretariat, Government of Bihar, Patna.
3. Principal Secretary Personal and Administrative Department, Old Secretariat, Patna.
4. Secretary Rural Development Department, Old Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pratap Sharma
For the Respondent/s	:	Ms. Anuradha Singh (Sc21)
		Mr. Anil Kumar Singh, AC to SC-21

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 21-12-2021

Heard learned counsels for the parties.

2. In the instant petition, petitioner has prayed for following reliefs:

“1. That this writ application is being filed for issuance of an appropriate writ/writs, order/orders, direction/directions for quashing the memo No. 8275 dated 11.10.2019 by which the claim of the petitioner has been rejected on the ground of changing of appointing authority and further prayer of the petitioner for removal of pay anomaly to the petitioner whereby and whereunder in the light of seventh revised pay scale of State Government Employee the pay scale of similarly situated persons to the petitioner has been granted level-7



whereas the pay scale of the petitioner has been granted level-6 and for other necessary relief/reliefs on the basis of facts and circumstances of the case.”

3. Short question for consideration in the present petition is whether petitioner is entitled to Level-7 pay scale or not? His entire grievance is that similarly situated person in same department has been granted Level-7 pay scale. Petitioner is seeking level-7 pay-scale on par with the extension of pay as the similar post holder has been extended level-7 pay scale. His entire case is that there is discrimination among two cadres, namely, Ladies Extension Officer and Extension Officer (Trade and Commerce) and petitioner is in the cadre of Lady Extension Officer. It is a policy decision as to which pay scale is required to be extended to a particular cadre by the State Government or a Central Government. Apex Court in the case of ***P. U. Joshi & Ors. Vs. Accountant General & Ors.*** reported in ***(2003)2 SCC 632*** held that extension of pay scale, promotion and other issues are policy matters and employee has no statutory right to seek particular pay scale. That apart, in recent Apex Court decision in the case of ***Rajesh Pravinchandra Rajyaguru V. Gujarat Water Supply & Sewerage Board & Others*** reported in ***2021 SCC Online SC 1282*** held that on the ground of discrimination question of extending pay scale is impermissible with reference



to different cadres. In the aforesaid decision Article 14 has been taken note of, while saying that Article 14 does not envisaged negative equality; State cannot be forced to perpetuate same mistake committed with respect to others.

4. In the light of these facts and circumstances, petitioner has not made out a case. Accordingly, the instant petition stands dismissed.

(P. B. Bajanthri, J)

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CAV DATE	
Uploading Date	
Transmission Date	

