

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4927 of 2019

In
Civil Writ Jurisdiction Case No.11156 of 2017

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1. Narayan Jha Son of Late Rajeshwar Jha resident of Village- Sugauna, P.S.- Raj Nagar, District- Madhubani.
 2. Jai Chandra Jha Son of Late Mahanth Jha resident of Village- Karmauli, P.S.- Khajauti, District- Madhubani.
 3. Shanti Nath Mishra Son of Late Shiv Nath Mishra resident of Village- Bishnupur, P.S.- Arer, District- Madhubani.
 4. Bhogendra Jha Son of Late Ganesh Jha resident of Village- Bishanpur, P.S.- Arer, District- Madhubani.
 5. Pramoda Nand Jha Son of Late Nitya Nand Jha resident of Village- Pilakhwar, P.S.- Raj Nagar, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. Mr. R.K Mahajan, the Principal Secretary, Department of Education, Government of Bihar, Patna.
3. Md. Tasnimur Rahman, the Special Director, Secondary Education, Government of Bihar, Patna.
4. Mr. Nasim Ahmad, the District Education Officer cum District Planning Officer, Madhubani.
5. Mr. Vidya Nand Thakur, the District Programme Officer, Madhubani.
6. Mr. Bharti Mehta, the Chairman, Bihar Sanskrit Shiksha Board, Patna.
7. Mr. Ani Kumar, the Secretary, Bihar Sanskrit Shiksha Board, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar Jha, Advocate
For the State	:	Smt. Shilpa Singh, GA 12
For the S.S.Board	:	Mr. Satyam Shivam Sundram, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

10 02-03-2022

Heard learned counsel for the parties.

The instant application for contempt arises out of the
order dated 15.5.2019 passed in C.W.J.C. no. 11156 of 2017



whereby the respondents were directed to dispose off the representation of the petitioner and to pay the amount found admissible to the petitioner within a period of three months from the date of passing of the order.

Bereft of unnecessary details, it may be stated here that a show cause has been filed on behalf of Opposite Party no. 5 and a separate show cause has been filed on behalf of Opposite Party nos. 6 and 7 stating therein that the representation filed by the petitioners was examined by the authorities concerned and the amount found payable has been paid to the petitioner. The details of the calculation have been brought on record as Annexure-B series to the show cause filed on behalf of Opposite Party no. 5.

A rejoinder has been filed on behalf of the petitioners which is taken on record. Learned counsel for the petitioners submits that from perusal of the details of calculation/payment made to the petitioners and which has been brought on record as Annexure-B series to the show cause filed on behalf of the Opposite Party no. 5, it would transpire that although the petitioner nos. 1 and 2, like the petitioner no. 3 are entitled for pay scale of Rs. 850-1360/- (trained scale), for reasons best known to the opposite parties, the payment has been made in



the pay scale of Rs. 785-1210/- (untrained scale).

For ready reference paragraph no. 3 of the rejoinder filed on behalf of the petitioner to the show cause of the Opposite Party no. 5 is quoted herein below :

“3.That from the bare perusal of the show cause filed on behalf of the Opposite Party No. 5 it is evident that payment has been made in the Pay Scale of Rs. 785-1210 (Untrained Scale) whereas the petitioner no. 1 and 2 are entitled to be paid in the Pay Scale of Rs. 850-1360 (Trained Scale) as is evident from Annexure-4 Series to this Rejoinder. Secondly, the similarly situated persons like petitioner no. 3 has been paid in the Pay Scale of Rs. 850-1360 (Trained Scale) for reason best known to the opposite party.”

Having heard learned counsel for the parties and on going through the materials on record, the Court is satisfied that there is substantial compliance of the direction of the order of this Court from which the instant contempt application arises. Petitioner nos. 1 and 2 will be at liberty to challenge the entitlement of the pay scale in which the payments have been made to them in an appropriate application in accordance with law.



This application stands disposed off.

(Partha Sarthy, J)

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