

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19816 of 2015

1. Dr. Bal Krishna Sharma Navin, son of late Siya Sharan Sharma resident of c/o Ginni Jewellers Market, Jai Ram Bazar, Khagaul, Patna, Bihar, at present posted as the Headmaster at Gandhi Senior Secondary School, Khagaul, Patna, Bihar.
2. Dr. Kamlakar Tiwari son of Shree Balbhadra Tiwari resident of village - Nemchhapra, P.O. - Haldi, Bali U.P., at present posted as the Headmaster at Indira Gandhi Senior Secondary School, Buxar, Bihar.
3. Chaturbhuj Narayan Pandey son of Shree Chandrabhushan Pandey resident of village - Mukundpur, P.O. - Manikpur via Maniyar, Balia U.P., at present posted as the Headmaster at Shree Niwas Radhika Project Girls Senior Secondary School, Buxar, Bihar.
4. Parshuram Prasad son of late Dhanushdhari Ram resident of village - Dubhar, P.O. - Dubhar, Balia U.P., at present posted as the Headmaster at Senior Secondary School, Simri, Buxar, Bihar.
5. Dr. Ram Pravesh Singh son of late Chandra Deo Singh resident of village - Sonawal, P.O. - Sonawal, Ghazipur U.P., superannuated from Amir Secondary School, Bagen, Buxar, Bihar at the Headmaster.
6. Mahesh Pathak son of late Harikrishna Pathak resident of village - Niyazipur, P.O. - Niyazipur, Simri, Buxar, Bihar, superannuated from Jainath Maharshi Upmanyu Senior Secondary School, Niyazipur, Buxar, Bihar, as the Headmaster.
7. Raj Roshan Prasad son of late Amawash Prasad resident of village - Devmalpur Dalanchhapra, P.O. - Umedpur, Shahpur, Bhojpur, Bihar, at present posted as the Headmaster at Raj Senior Secondary School, Dumraon, Buxar, Bihar.
8. Sudama Pandey son of late Ramchandra Pandey resident of village - Urhan, P.O. - Rajapur Katayan, Kasimabad, Ghazipur U.P. at present posted as the Headmaster at Senior Secondary School Sikraul, Jalilpur, Buxar, Bihar.
9. Surendra Nath Yati son of Shree Dudha Nath Yati resident of village - Hajipur, P.O. - Kalyanpur, Mau U.P, at present posted as the Headmaster at A.S.M. Senior Secondary School, Balihar, Buxar, Bihar.
10. Mahendra Pratap Singh son of late Gupteshwar Nath Singh resident of village - Nawadera, P.O. - Old Bhojpur, Dumraon, Buxar, Bihar, at present posted as the Headmaster at Senior Secondary School, Kathar, Buxar, Bihar.
11. Raghunath Yadav son of late Suryanath Chaudhary resident of village - Barkakhet, P.O. - Surhi Sohaon, Balia U.P. , at present posted as the Headmaster at Senior Secondar School, Chilhari, Buxar, Bihar.
12. Prem Chand Ram son of late Murat Ram resident of village Chhiddaur, P.O. - Chhiddaur, Balia U.P. , at present posted as the Headmaster at C.P.S.S. Senior Secondary School, Dumraon, Buxar, Bihar.
13. Smt. Vinita Pal W/o Dr. Dwarika Prasad, daughter of Shree Umar Nath Pal resident of village - Charitrawan Teacher's Colony at present posted as the Headmistress at Buxar Senior Secondary School, Buxar, Bihar.



14. Prafulla Chandra Singh son of Shree Ram Chandra Singh resident of village - Vishrampur, P.O. - Unwas, Itarhi, Buxar, Bihar, at present posted as the Headmaster at S.J.K. Senior Secondary School, Kaithna, Buxar, Bihar.
15. Ravish Chandra Malviya son of late Ram Chhavika Tiwari resident of village - Mathupur, P.O. - Kundesar, Ghazipur U.P., at present posted as the Headmaster at Senior Secondary School, Ariaon, Buxar, Bihar.
16. Ajay Kumar Chaudhary son of late Jago Ram Chaudhary resident of village - Malik Sarai, P.O. - Islampur, Nalanda, Bihar at present posted as the Headmaster at Anugrah Narayan Singh Senior Secondary School, Barrh, Patna, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Hon'ble Education Minister, Bihar.
3. The Principal Secretary, the Department of Education, Bihar.
4. The Director, Secondary Education, Bihar, Patna.
5. The Finance Secretary, Bihar, Patna.
6. The District Education Officer, Patna, Bihar.
7. The District Education Officer, Buxar, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar Mishra
For the Respondent/s : Mr.Purnendu Singh- Gp27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 8 30-04-2024 1. Learned Counsel for the petitioners, at the outset, submits that during the pendency of this writ application, the petitioner no. 1, namely, Dr. Bal Krishna Sharma Navin, has died and despite best efforts of learned Counsel for the petitioners, the legal heirs of petitioner no. 1 could not be contacted. Accordingly, he seeks permission to withdraw this writ application qua petitioner no. 1.
2. In view of the aforesaid, this writ application is dismissed



qua petitioner no. 1 as abated.

3. The writ petitioners have filed the present writ application for a direction to the respondents to pay the scale of Principal at ₹15600-₹39100/-, having the grade pay of ₹7600/-.
4. Learned Counsel for the petitioners submits that the petitioners were appointed as teaches in various Upgraded +2 Schools in different years and were promoted as Headmasters. The Headmasters of different High Schools were doing the work of Principal since the High Schools were upgraded to the Senior Secondary Schools.
5. Placing reliance upon Annexure P-6 to the rejoinder, learned Counsel submits that the pay scale of the Headmaster was fixed, vide letter no. 11/८ 1-01/90, dated 30.03.1993, at 3000-4500, which can be designated as Principal and the petitioners are entitled for the pay scale of 15600-39100, with grade pay of 7600.
6. Per contra, learned Counsel for the State submits that in the State of Bihar, in Secondary or +2 Schools, the post of Headmaster has only been sanctioned and there is no sanctioned post of Principal in any Secondary or +2 Schools. As per the provisions of Bihar Nationalized



Secondary School (Service Condition) Rules, 1983, 50 per cent post/vacancy of Headmasters of nationalized secondary schools are filled by giving promotion to teachers from the State Level Gradation List in which the names of Upgraded +2 teachers are included in accordance with their seniority. The petitioners have been promoted to the posts of Headmasters from the State Level Gradation List and after their promotion, they have been working on the post of Headmasters and are getting the prescribed pay scale of the Headmasters. They accepted the post of Headmasters, joined their respective posts, but in self-style, they have designated themselves as Principals.

7. I have heard learned Counsel for the parties concerned.
8. During the course of argument, learned Counsel for the petitioners was requested to show any circular, policy and/or decision of the State Government, prescribing the pay scale of Principal of Upgraded +2 Schools in the State of Bihar.
9. In response to the same, learned Counsel for the petitioners placed paragraph 31 of the writ application, without any supporting document, stating therein that the



pay scale of Principal is ₹15600-₹39100/-, with grade pay of ₹7600/-.

10.It is the specific stand of the respondent-State that in Secondary or +2 Schools, the post of Principal has not been sanctioned and the petitioners have been promoted to the post of Headmasters and are getting the prescribed pay scale of Headmasters.

11. In my opinion, the petitioners have failed to make out a case for issuance of any direction to the respondents to grant pay scale of Principal, i.e. ₹15600-₹39100/-, with grade pay of ₹7600/-.

12.In the result, this writ application is dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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