

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1015 of 2019

In
Civil Writ Jurisdiction Case No.5090 of 2016

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Jawahar Prasad Sudhakar S/o Sri Ram Lakhan Das Resident of Village
Raghunikitta, P.S. Dhoraia, PO Bishanpur, Dist.Banka, Presently posted at
R.M.K. Inter School, Banka.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Director,Secondary Education, Govt. of Bihar,Patna
3. The Principal Secretary, Finance Department, Govt. of Bihar,Patna
4. The Deputy Secretary, Finance Department, Govt. of Bihar,Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ashok Chaudhary, Sr. Advocate Mr. Rajiv Kumar Singh, Advocate Ms. Akansha Ankit, Advocate
For the Respondent/s	:	Mr. Shashi Shekhar Tiwary, A.C. to A.A.G.-15

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 21-08-2024 In the present case question for consideration is whether appellant is entitled to pay protection on the facts that he was initially appointed as Assistant Teacher in the Central Government School. Later on, he was appointed as Headmaster in the State of Bihar. His last pay drawn was Rs. 53,779/- against Assistance Teacher post whereas his new appointment in the Headmaster post in the State of Bihar is carrying pay scale of Rs. 42,180/-.

2. In this background, whether appellant is entitled to



pay protection with reference to last pay drawn against the Assistant Teacher post in the Central Government or not.

3. Learned Counsel for the appellant could not apprise this Court with reference to any provision of law under the Bihar Service Code in so far as seeking the pay protection benefit. In the absence of statutory provision of pay protection, the appellant is not entitled for pay protection.

4. It is not a case of transfer from Central Government to State Government or one organization to State Government and in the public interest so as to extend the pay protection. Accordingly, the appellant has not made out a case so as to interfere with the order of the learned Single Judge dated 24.07.2019 passed in C.W.J.C. No. 5090 of 2016.

5. Accordingly, L.P.A. No. 1015 of 2019 stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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