IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 2238 of 2025

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1. Bimal Kumar Ray, aged about 63 years, Son of Late Dukharan Ray, Resident of Caster Town, Deoghar, P.O. and P.S.-Deoghar, District-Deoghar.
2. Pushpa Ray, aged about 64 years, Wife of Hari Shankar Ray, Resident of Purandaha Kalyan (Deoghar), P.O. and P.S.-Deoghar, District-Deoghar. .... **Petitioner(s)**

-VERSUS-

1. The State of Jharkhand.
2. The Principal Secretary, Department of Human Resources, Primary and Secondary Education, Ranchi, officiated at Project Building, Dhurwa, Ranchi, P.O. + P.S.-Dhurwa, District-Ranchi.
3. The Deputy Commissioner, Deoghar, P.O. and P.S.-Deoghar, District-Deoghar.
4. The District Superintendent of Education, Deoghar, P.O. + P.S.-Deoghar, District-Deoghar. **.....Respondent (s)**

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CORAM: **HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner(s) : Mr. Ranjan Kr. Singh, Adv
For the Respondent (s) : Mr. Binti Chandra, A.C. to AAG-III

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2/7.09.2026

1. Heard learned counsel for the parties.

2. The instant writ application has been preferred by the petitioners praying therein for quashing of the order contained in Memo no.721 dated 11.06.2024 (Annexure-10), whereby the respondent-District Superintendent of Education, Deoghar wrongly discarded the claim of the petitioners for fixation of pay scale on correct scale and grade as per recommendation of 6th Pay Revision Commission (PRC) and as per guideline of the State Authority vide letter dated 18.06.2015 and further prayer has been made for a direction upon the respondents to provide the same as per correct scale and grade to the petitioner.

3. The grievance of the petitioners is that the District Superintendent of Education, Deoghar, has wrongly rejected the petitioner's claim for fixation of pay scale and grade as per the recommendations of the 6th Pay Revision Committee and the guidelines issued by the State Authorities vide letter dated 18.06.2015. Accordingly, the respondents are liable to be directed to grant the correct pay scale to the petitioner.

4. Learned counsel for the petitioner draws attention of this Court towards the order dated 27.11.2025 passed in *W.P.(S) No. 5897 of 2014*, which is annexed as Annexure-A to the rejoinder, and submits that the issue has already been dealt with regard to the Fitment Committee and pay scale accordingly, similar benefit may be granted to this petitioner.

5. Learned counsel for the respondent fairly submits that so far as issue involved in this writ application as indicated in the impugned order has been dealt with in the batch of writ application being *W.P.(S) No. 5897 of 2014 with analogous cases*. However, he submits that he is having no instruction as to whether any appeal has been filed against this order and further contended that if in future there is any order passed by the appellate court which is against the petitioners of that case then the petitioners of this case will be guided by that order.

6. Having heard learned counsel for the parties and after going through the documents available on record especially the judgment passed by this Court in *W.P.(S) No. 5897 of 2014 with analogous cases*, it appears that the issues with regard to pay scale has been dealt with in detailed. For brevity para 8 to 13 is extracted hereinbelow:-

8. Having heard Ld. Counsel for the parties and after going through the documents annexed with the respective affidavits this Court finds that the State Government did resolve to accept and implement the recommendations of 6th Central Pay Commission in the manner and as per the Resolution dated 28.02.2009. From Clause 2 and 3 of the said State Resolution it is clear that the Schedule-I, Schedule-II and Schedule-III are part and parcel of the said Resolution. Further, it is evident from Clause 8 of the said State Resolution that Fitment Committee Table in new pay structure annexed as Annexure-I series has to be adhered to for the purpose of fixation of initial pay in the revised pay structure and the computation has to be made w.e.f. 01.01.2006 for existing employees as per the provisions of clause 8 of the said Resolution.

9. This Court also finds that as per the State's own Resolution dated 28.02.2009, (Schedule-III, Sl. No. 309) the pre-revised scale and upgradation of pre revised scale for Primary School Teacher (Basic Grade/ Grade-III) has been recognized to be Rs. 4500-7000 and Rs. 6500-10500 respectively and the pay band in the new pay structure has been prescribed in PB-II with a Grade Pay of 4200/-.

10. It would be profitable to extract the relevant part at Sl. No. 309 of Schedule -III, which reads as under :-

309					
Posts		*Pre revised scale*	*Upgradation of pre revised scale*	*Pay Band in the new pay structure*	*Grade Pay*
Primary School Teacher		*Grade-III 4500-7000*	*Grade-III 6500-10500*	*PB-II*	*4200*

Further, at Sl. No. 300 of the same Schedule-III, the Entry Scale of Primary School Trained Teachers has been the scales, grade and revised pay structure as approved by the State has been mentioned as below: -

A. Primary School Trained Teacher						
300	*Entry Scale*	*6500-10500*	*S-12*	*PB-II*	*9300-34800*	*4200*

Further, Schedule-I, revised pay scale at Sl. No. 13 same entries and approved scales can be found which reads as under :-

	Present Scale		*Revised Pay Structure*		
13	*S-12*	*6500-200-10500*	*PB-II*	*9300-34800*	*4200*

The relevant Fitment Table, S-12 has also been prescribed in Annexure-I of the State's Resolution dated 28.02.2009 which reads as under :-

<u>Pre-revised scale (S-12) Revised Pay Band+Grade Pay Rs. 6500-200-10500 PB-II Rs. 9300-34800+ Rs. 4200/-</u>

Pre-revised basic pay	*Revised Pay*		
	Pay in Pay Band	*Grade Pay*	*Revised Basic Pay*
6500	*12090*	*4200*	*16290*

6700	*12470*	*4200*	*16670*
6900	*12840*	*4200*	*17040*
7100	*13210*	*4200*	*17410*
7300	*13580*	*4200*	*17780*
7500	*13950*	*4200*	*18150*
…… …	*…… ..*	*…… ….*	*…… ..*

11. Therefore, it is clear that the scales and respective pay in pay band and revised basic pay has been mentioned in the said Table; thus, the manner in which pay fixation has to be made is already prescribed in the Fitment Table S-12 of the original State's Resolution dated 28.02.2009 itself.

It further transpires that the State Government's Resolution dated 29.07.2011 also fortifies and supports the claims of the Petitioners because the then pay scale of the basic grade of Trained Primary Teachers was very much 13 accepted as Rs. 6500-10500 and payable scale was prescribed in PB-II (9300-34800) with Grade Pay of Rs. 4200/-

. 12. As a matter of fact, the State's Resolution dated 26.03.2018 very rightly noted that if there was already a Fitment Table and procedure of fixation of pay prescribed in the State's original Resolution dated 28.02.2009, there was no need to notify another set of Fitment Tables through Resolution dated 13.08.2014.

I find force in the arguments advanced from the side of the Petitioners that the Petitioners are entitled to the fixation of their revised pay as prayed for by them in view of the provisions as contained in the State's Resolution No. 660/F dated 28.02.2009 in the light of Clause 8 (1) (A) r/w Note-5 and in the manner as provided by Fitment Table No. S-12 which is no doubt part and parcel of the State's Resolution dated 28.02.2009 itself.

13. Having regards to the aforesaid discussions, the Respondents are directed to issue pay fixation orders in favour of the Petitioners while taking into account the Clause 8 (1) (A) r/w Note-5 and other provisions contained in the said Clause and Fitment Table No. S-12 which is contained in Annexure-I of the State's Resolution dated 28.02.2009 within a period of 12 weeks from the date of receipt/production of copy of this order.

The Respondents shall also consider the Entries and provisions made at Sl. No. 13 of Schedule-I, Sl. No. 309 and 300 of Schedule-III above referred and also take into account that in relation to the Assistants and Personal Assistants posted in State Secretariat who also had a case of upgradation of pay scale, have been allowed revisions of their pay scales as per the State's Resolution dated 28.02.2009 vide a State Resolution issued on 01.10.2019.

Upon fixation of pay scales of the Petitioners as aforesaid, the Respondents shall extend all consequential benefits to the Petitioners within a further period of 8 weeks after issuance of the pay fixation orders in favour of the Petitioners."

7. So, this Court is having no hesitation is holding that the order of this Court in *W.P.(S) No. 5897 of 2014 with analogous cases* is squarely applicable in the instant case,

accordingly, similar benefit should be granted to these petitioners.

8. Accordingly, impugned order as contained in Memo No. 721 dated 11.06.2024 (Annexure-10), is hereby quashed and set aside. The respondents are directed to issue pay fixation of these petitioners as per (Annexure-6) annexed as per Table No. S-13 within a period of 12 weeks from the date of receipt of copy of this order.

9. Upon fixation of pay scale of the petitioners, the respondent shall also extent all consequential benefits to these petitioners within a further period of 8 weeks.

10. However, at this stage it is necessary to indicate, as requested by Ld. Counsel for the Respondents, that if in future the order passed by this Court in *W.P.(S) No. 5897 of 2014 with analogous cases* is annulled/modified; then the petitioners shall also be governed by the said order.

11. Accordingly, the instant writ application stands allowed. Pending I.A.s, if any also stands disposed of.

(Deepak Roshan, J)

7.09.2026

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