

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15577 of 2006

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Chandra Bhushan Singh, son of late Deo Nandan Pd. Singh, resident of village –
Maldah, P.S. Barbigaha, District – Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Animal Husbandry, Old Secretariat, Bihar, Patna.
3. The Deputy Director, Animal Husbandry, Bihar, Patna.
4. The Regional Director, Animal Husbandry, Bhagalpur Division.
5. The Assistant Director (Large Animal Development Scheme), Regional Level,
Sheikhpura.
6. The District Animal Husbandry Officer, Sheikhpura, District t – Sheikhpura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. DEVENDRA PD.SINGH

For the Respondent/s : Mr.P K Verma, AAG 5
Dr. Mankeshwar Tiwari, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-08-2015

Writ application was filed by the petitioner for a direction upon the respondents to pay him the benefit of pay-scale, arrears as well as re-fixation of pension on the post of a Fodder Officer in the pay-scale of Rs.4500-7000/- as well as to pay him the benefit of pay-scale of a Fodder Inspector since 1999 in the pay-scale of Rs.5000-8000/-.

The reason for filing the writ application was an order passed in the case of Bijay Shankar Choudhary and others (CWJC No. 4418 of 2004), decided on 03/08/2006.

No doubt the writ application was moved in the year 2006



but many other things have taken place which has now emerged during the pendency of the writ application. The State Counsel in the counter affidavit as well as the supplementary counter affidavit, served on the petitioner, brings on record a decision dated 26.11.2010, issued by the Director, Animal Husbandry, Government of Bihar. This order indicates that all past promotions have been annulled. This was done on the basis of a previous direction of the High Court where the gradation list became a bone of contention between certain parties. CWJC No.8022 of 2005 was filed. The same was decided on 25.3.2008. The direction has been extracted in the order, contained in Annexure-B to the supplementary counter affidavit.

Since the benefit of promotion was granted to the petitioner along with a large number of other persons by a common notification and if the gradation list itself was knocked out by a judicial order, the whole things is set to knot. The benefit which the petitioner is looking for in terms of Annexure-3 is not available because the facts have changed, the rule of the scheme has changed, so the benefit cannot be extended to him on the same terms which was made available to the petitioners of CWJC No. 4418 of 2004. In fact, there could be an occasion to revisit the benefit to those persons as well in view of changed circumstances and subsequent orders which may have been passed but that is for the State to decide.

So far as present petitioner is concerned, no relief in terms of the prayer can be extended to him.

Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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