

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21752 of 2013

Bajinath Singh, S/o Late Kailash Singh, Resident of Village-Bela, P.S. – Aurangabad, District – Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Director, Primary Education, Government of Bihar, Patna
4. The District Magistrate, Aurangabad (Bihar)
5. The Chairman of the District Education Establishment Committee, Aurangabad
6. The District Education Officer, Aurangabad, Bihar
7. The District Programme Officer, Aurangabad, Bihar

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 21845 of 2013

Deo Raj Mahto, S/o Late Pragash Mahto, Resident of Village – Bijhor, P.S. – Mufasil, District – Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Director, Primary Education, Government of Bihar, Patna
4. The District Magistrate, Aurangabad (Bihar)
5. The Chairman of the District Education Establishment Committee, Aurangabad
6. The District Education Officer, Aurangabad, Bihar
7. The District Programme Officer, Aurangabad, Bihar

.... Respondent/s

Appearance :

(In CWJC No. 21752 of 2013)

For the Petitioner/s : Mr. ANITA KUMARI

For the Respondent/s : Mr. M. D. DWIVEDI

(In CWJC No. 21845 of 2013)

For the Petitioner/s : Mr. RAJESH KUMAR

For the Respondent/s : Mr. MANOJ KR. AMBASTHA

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 20-01-2015

Heard learned counsel for the parties.

Both the writ applications are dismissed for many a reasons, including the fact that the petitioners,

who are retirees of the last century, are now claiming advantage of certain things, which have been already well considered by the respondent-authorities in terms of the order passed in Annexure-6 and Annexure-8. The decision of the respondents to reject the claim of these two petitioners are based on valid cogent reasons, emerging from subsequent decisions, which have been taken by the High Court in L.P.A. No. 1137 of 1996 and 1138 of 1996. The petitioners cannot claim the benefit at such belated stage as a matter of right on the presumed kind of discrimination, much after the master-servant relationship came to an end more than two decades ago.

There is a limit to expectation, which is required to be fulfilled by the respondents by way of grant of the benefit of B.A. trained scale after these petitioners have derived benefit of pension as well for more than two decades.

In view of the aforesaid facts and circumstances, both the writ applications are dismissed.

(Ajay Kumar Tripathi, J.)

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