

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2306 of 2013

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Sri Upendra Lal Deo, Son of Late Rajendra Lal Deo, Resident of Village -
Tikapatti, P.S. – Bahadurpur, District – Darbhanga Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna
 2. The Director of Raj Bhasha Vibhag, Patna
 3. The Secretary of Health Department, Govt. of Bihar, Patna
 4. The District Magistrate-Cum-Collector, Darbhanga
 5. The Civil Surgeon-Cum-Chief Medical Officer, Madhubani
 6. The Medical Officer, Incharge Primary Health Centre, Baburahi District – Madhubani
 7. Principal Account General (Audit), Bihar, Patna. Respondents
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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate
: Mr. Pankaj Kumar Jha, Advocate
: Mr. Raju Surendra Mohan, Advocate
For the Respondent/s : Mr. Mahendra Prasad Verma, AC to SC-13
For the Accountant General : Mr. Ranjan Kuamr, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT

Date: 21-12-2015

Counsel for the petitioner, State and Accountant General
are present.

2. The petitioner retired on 31.10.2013 from Basic Health
Worker from Primary Heath Centre, Baburahi, Madhubani.

3. The petitioner is aggrieved by Nirakshan Prativedan
Sankhya 10/2009-10 of the office of Principal Accountant General,
Bihar, whereby objection has been raised against grant of increment to
employees, who has not passed the Hindi Notings and Drafting
Examination within one year of the appointment, in view of
Government Circular of the year 1968.

4. The petitioner submits that Bihar Sarkari Sevak/Hindi Tipan and Prarupan Pariksha Niymawali, 1968, provides that employees associated with Hindi Noting and Drafting in official works should pass Hindi Noting and Drafting examination within one year of the appointment, prior to getting the first increment.

5. Learned counsel submits that the Government had relaxed the aforesaid condition vide its notification dated 12.10.1990. Again the Government vide letter dated 07.05.2012 has reiterated its policy of relaxing the said conditions with respect to 16 categories of employees, who are not directly associated with official correspondence work, accountancy work etc. The Basic Health Workers is one of the 16 categories of employees, who have been provided relaxation. He further submits that he has ultimately passed the Hindi Noting and Drafting examination in the year, 2009, as contained in annexure-5.

6. Having regard to the facts and circumstances of the case, the matter is remitted to respondent no. 3 to examine whether such relaxation as provided in letter dated 07.05.2012 could also be made applicable to the persons, who have been appointed prior to 12.10.1990. The respondent no. 3 would take appropriate decision in the matter and communicate the same to the office of Principal Accountant General (Audit), Bihar, Patna within a period of three

months from the date of receipt of a copy of this order.

7. It will be open for the petitioner to file his representation and bring to the notice of respondent no.3 the order dated 15.05.2009 passed in C.W.J.C. No. 9947 of 2007. The recovery made would be subject to the fresh decision of respondent no. 3.

8. This writ application stands disposed of.

(Samarendra Pratap Singh, J.)

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