

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9131 of 2011

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Shailendra Kumar S/O Late Ram Krishna Mehta, resident of At+P.O. -
Sonmai P.S. - Dhanarua, Distt. - Patna

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna
2. Principle Secretary, Department of Health, Bihar, Patna
3. Commissioner-Cum-Secretary, Department of Finance, Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Adv.

For the Respondent/s : Mr. AC to SC-22

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 25-02-2016 Heard Sri Abhinav Srivastava, learned counsel for the
petitioner and learned AC to SC-22.

In the present writ petition, the petitioner has prayed
for directing the Respondents to consider the case of the petitioner
for grant of payment of salary and other consequential benefits
prescribed by all India Council for Technical Education, New
Delhi.

Learned counsel for the petitioner, during pendency of
the writ petition, filed Interlocutory Application for amending the
prayer in the writ petition vide I.A. No. 160 of 2016. This Court
by order dated 12.01.2016 observed that the Interlocutory
Application shall be treated as part of the writ petition. In the
Interlocutory Application, it was informed that though the relief,

which was sought for in the present writ petition has already been granted, it was directed to be implemented with effect from the date of such decision. By way of referring to Annexure-16 to the writ petition, learned counsel for the petitioner submits that the date of implementation of the notification is not correct. According to learned counsel for the petitioner, the petitioner is entitled to get the benefit with retrospective effect, not from the date of issuance of resolution.

The Court is of the opinion that once the order was passed and the petitioner feels aggrieved with the decision of the Respondents, firstly the petitioner is required to demand justice before the authority concerned and only thereafter he can invoke the writ jurisdiction

Accordingly, the writ petition is disposed of. The petitioner, if so advised, may raise the issue regarding claim of date of implementation of the decision before the authority concerned.

(Rakesh Kumar, J)

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