

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.474 of 2014**

=====

1. Ram Padarath Rai Son of Late Sri Harihar Rai Resident of Village- Mirajpur,  
P.O. Bharpura, Via Sonepur, P.S. Sonepur, District- Saran

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department Of Education, Government Of Bihar, Patna
3. The Director, Secondary Education, Department Of Education, Government Of Bihar, Patna
4. The District Education Officer, Vaishali (Hajipur)
5. The Accountant General, Bihar, Birchand Patel Path, Patna

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. TEJ BAHADUR SINGH, Sr. Advocate  
Mr. BRISKETU SHARAN PANDEY  
For the State : Ms. Divya Verma, AC to AAG 3  
For Accountant General: Mr. Vivekanand Kumar

=====

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**ORAL JUDGMENT**

**Date: 30-01-2016**

Heard counsel for the petitioner.

I.A. No. 491 of 2015 is allowed.

Submission of the counsel for the petitioner is that right to beget benefit of past service rendered by him in a Primary School has already been rejected by the Director, Secondary Education, Government of Bihar, vide an order dated 26.11.2014.

The reason for such rejection is obvious. The circular of the Finance Department clearly gives an option to the employees to demand such an indulgence for inclusion of past service within 10 years of issuance of circular and within two years of issuance of

notification. Since the petitioner has failed to avail that benefit within time indicated in the circular in question, the application has been rightly rejected. This Court is not inclined to expand the ambit of the circular by giving a special concession to the petitioner to avail the benefit because uniform yardstick has to be maintained across the board for all the employees.

Writ application is dismissed.

**(Ajay Kumar Tripathi, J)**

R.K.Pathak/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|