

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21618 of 2011

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1. Kameshwar Trivedi S/O Baldeo Trivedi Resident Of Village- Bishunpur
 Kisundeo, P.O- Kharwa Harsh, P.S-Shivhar, District- Shivhar.

.... Petitioner

Versus

1. The State Of Bihar Through, The Principal Secretary, Department Of Food And Civil Supply Govt. Of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Govt. Of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. Of Bihar, Patna.
4. The Director, Directorate Of Mass Education, Department Of Secondary Primary And Adult Education Govt. Of Bihar, Patna.
5. The Director, Mass Education Govt. Of Bihar, Patna.
6. The District Mass Education Officer, Vaishali
7. The Sub- Divisional Officer, Sub-Division Bhojpur, District- Bhojpur, Arrah.
8. The District Supply Officer Bhojpur At Arrah.
9. The Accountant General, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Barun Kumar Choudhary

For the State : Mr. Priyank Deepak, AC to SC19

For the Accountant General: Mr. P.K. Rajgrihar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

8 03-05-2016 Heard learned counsel for the petitioner and the State.

The petitioner was initially serving as Adult Education Supervisor since 4.8.1980. After abolition of the post, the petitioner was adjusted in the department of the Food and Consumer Protection Department, Government of Bihar.

The case of the petitioner in short is that he served for 29 years but he is getting retrial benefits on the basis of only 19 years of service.

Learned State counsel submits that the post of Adult

Education Supervisor was under a Scheme and with the abolition of the Scheme, the post of the petitioner was too abolished. The petitioner was subsequently adjusted in another department and as such the earlier period of his service under a Scheme was not counted. He further submits that the issue in question has recently been decided by the Hon'ble Apex Court.

On the other hand, learned counsel for the petitioner submits that some of the similarly situated persons have been allowed benefit by the respondents as would be evident from letter No.638, dated 9.4.2014 (Annexure-D to Second Supplementary affidavit).

Having regard to the aforesaid facts, the case of the petitioner would also be considered in light of the orders mentioned in letter No.638 dated 9.4.2014 (Annexure-D to Second Supplementary affidavit) passed in case of similarly situated persons, pursuant to direction of this Court and Hon'ble Apex Court.

With the aforesaid observations and directions, this writ application stands disposed of.

(Samarendra Pratap Singh, J)

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