

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

**Letters Patent Appeal No.593 of 2017  
Arising out of  
Civil Writ Jurisdiction Case No. 7540 of 2014**

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Yogendra Prasad Roy, son of Late Lakhan Roy, resident of Village- Bangraha, P.S.  
Vidyapati Nagar, District- Samastipur

.... .... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of General Administration, Bihar, Patna.
2. The Principal Secretary, Department of Finance, Bihar, Patna
3. The Accountant General, Bihar, Patna

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. S. K. Thakur, Advocate  
For the State : Mr. P.K. Verma, AAG-3  
For the A.G. : Mr. Raghwanand, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 16-05-2017**

Taking note of the fact that the learned Writ Court after interpreting the cut off date fixed in the notification dated 23.09.2009 has decided the writ petition, we see no reason to make any indulgence into the matter. If it is the case of the appellant that fixing the cut off date as 01.04.2007 was arbitrary and it should have been fixed at an earlier date, may be 1<sup>st</sup> of January, 2006, when the 6<sup>th</sup> Pay Commission recommendations was accepted by the Government, this we find was never the case of the appellant before the Writ Court and, therefore, in this appeal the appellant for the first time cannot be permitted to canvass this contention. However, in case the appellant



feels that fixing of the cut off date as 01.04.2007 in the Resolution No. 137/08 is illegal and unjustified and if permissible in law, appellant may challenge the resolution and the act of the State Government in fixing a particular cut off date.

With the aforesaid liberty to the appellant, we dispose of the Letters Patent Appeal.

**(Rajendra Menon, CJ)**

**(Sudhir Singh, J)**

P.K.P.

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| AFR/NAFR          | N.A.F.R.   |
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