

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3240 of 2006

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Smt. Deepa Prasad, wife of Shri Hemant Kumar Lal, Resident of Mohalla 'Lal Kothi' M.P. Sinha Road, Kadamkuan, P.S. and P.O. Kadamkuan, District Patna

.... Petitioner

Versus

1. The State of Bihar.
2. Chairman, Bihar State Financial Corporation, Frazer Road, Patna.
3. Managing Director, Bihar State Financial Corporation, Frazer Road, Patna.
4. Dy. Manager, Bihar State Financial Corporation, Frazer Road, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Gopal Jee, Advocate

For the Corporation : Mr. Raju Giri, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-08-2017

Heard learned counsel for the petitioner and learned counsel for the respondent-Corporation.

2. The present writ petition has been filed for extending the age of superannuation of the petitioner from 58 years to 60 years, as in the case of employees of the State; and also for quashing the order of retirement issued by the respondents vide Memo No. 3453 dated 05.01.2006.

3. Learned counsel for the petitioner relies on a judgment dated 22.04.2009 passed by the Division Bench of the Hon'ble Jharkhand High Court in LPA No. 83 of 2007 which was allowed with a direction to the respondent-State of Bihar to accord sanction for the enhancement of age of the employees of the Corporation. It is however submitted that subsequently Standing Order No. 01/MDC/2010-11



(Annexure-16) has been passed by the respondent-Corporation granting the benefit of enhancement of age of the employee with effect from 25.08.2006 being the date on which the Board had taken decision in that respect. It is submitted that such date has been fixed arbitrarily and is beyond the directions contained in the judgment in LPA No. 83 of 2007.

4. Learned counsel for the respondent-Corporation opposes the writ petition submitting that the cut off date has been fixed as a matter of policy decision. Learned counsel for the petitioner has not pointed out any case of discrimination where other similarly situated persons as the petitioner have been granted relief. The original petitioner merely by reason of having filed his writ petition in the year 2006 cannot claim the benefit of enhanced age of superannuation as he has already attained the age of 58 years on 30.04.2006 which was prior to the cut off date of 25.08.2006 as stated above.

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court is not inclined to enter into the details of merit of the matter, moreso when the petitioner has brought a copy of the Standing Order No. 01/MDC/2010-11 (Annexure-16) by way of supplementary affidavit but has not questioned the validity of the same.

6. As such, the writ petition is disposed of with liberty to



the petitioner to approach the Managing Director, Bihar State Financial Corporation, Frazer Road, Patna (respondent no. 3) with an appropriate representation for redressal of her grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of expeditiously and in any event within a further period of three months thereafter, after grant of opportunity to the petitioner of being heard in accordance with law and without being influenced by any of the observations contained hereinabove.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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