

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18776 of 2015

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Mahendra Prasad Singh, Son of Late Bakebihari Singh, Resident of Chakla
Nirmail, Ward No.7, P.S.- Supaul, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Director (Administration)-cum-Joint Secretary, Department of Education, Government of Bihar, Patna.
5. The Accountant General, Bihar, Patna.
6. The Treasury Officer, Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nishant Kumar Jha Advocate
For the Respondent/s	:	Mr. Raj Nandan Prasad Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 20-07-2017

Heard learned counsels for the parties.

The writ application of the petitioner came to be filed after the respondents, especially the Accountant General, revised the pension of the petitioner from Rs. 14005/- to Rs. 12355/-.

Since the reduction is by way of Annexure-6, dated 6th of January, 2011, the cause of action for the petitioner arose.

Whatever be the story, which has been narrated by the



petitioner in the writ application, the fact stands that the petitioner, who was required to pass the departmental examination to beget him the benefit of a certain increments and a higher pay-scale, was not passed by him. In fact, an application was filed by him for exemption, but that exemption was refused by the State Government. Therefore, whatever advantage in terms of the increment and higher pay-scale, which the petitioner derived, knowing fully well that he did not participate, therefore, did not qualify in the examination was well known to him.

The Court is not willing to bite the line of arguments that there was no contribution of the petitioner in the fraud played, because by virtue of holding the high post of District Education Officer, he is and was expected to know the entitlement and in fact he had been given the additional benefit and higher pay-scale, which the petitioner quietly accepted, which shows lack of honesty on his part.

When these facts came to the knowledge of the authorities within months, a revised sanction order was forwarded to the office of Accountant General and the Accountant General, thereafter, issued a revised pension order, fixing the pension of the petitioner, at Rs.12355/-, instead of the original authorization, contained in Annexure-4, of Rs. 14005/-.

Any interference with the decision will be rewarding the petitioner of his incompetence as also his lack of commitment or



honesty as a government servant.

Writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	21.07.2017
Transmission Date	

