

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4067 of 2016**

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1. Kanhaiya Das Son of Late Jagarnath Das, resident of Village-Karah, P.O.- Harpur Karah, P.S.-Baniyapur, District- Saran.
2. Surendra Parbat Son of Late Dharmdeo Parbat, resident of Village- Mora, P.O- Mora, P.S- Bhagawanpur Hat, District-Siwan.
3. Bishwanath Pandey Son of Late Ram Lakhan Pandey, resident of Village- Hariharpur, P.O- Puchari, P.S- Baniyapur, District-Saran.
4. Chandeshwar Kuwar Son of late Ram Nandan Kuwar, resident of Village- Kishunpur, P.O- Kishunpur, P.S- Jalalpur, District-Saran.
5. Chulahi Mahato Son of late Udit Mahato, resident of Village-Harpur Pusa, P.O.- Harpur Pusa, P.S.- Pusa, District- Samastipur.
6. Balram Upadhyay Son of Late Sri Ram Ayodhya Upadhyay, resident of Villge- Mani Chapar, P.O- Aksar, P.S- Ekma, District-Saran.
7. Sadhusaran Singh Son of Late Kapildeo Singh, resident of Village-Sohai Sahpur, P.O- Sohail Sahpur, P.S.- Baniyapur, District- Saran.
8. Bikarma Prasad Rawat Son of late Ramdeyal Rawat, resident of Village- Chaturbhuj Chapra, P.O- Saraya, P.S.- Baniyapur, District- Saran.
9. Uma Shankar Giri Son of late Ram Yatan Giri, resident of Village- Puchari, P.O.- Puchari, P.S- Baniyapur, District- Saran.
10. Awadhesh Kumar Chaturvedi Son of Late Jagdish Narayan Chaturvedi, resident of Village & P.O.- Chakiya, P.S.- Bhagwanpur Hat, District- Siwan.
11. Paras Nath Prasad Son of Late Jagroshan Rai, resident of Village- Paigambarpur, P.O- Manohar Kanhauli, P.S.- Baniyapur, District- Saran.
12. Nathuni Prasad Son of late Ramlal Prasad, resident of Village-Tirma Sahun, P.O- Tirma Sahun, P.S.- Tirukpatti, District-Deoriya (U.P.).
13. Soumendra Nath Biswas Son of Gyanendra Nath Biswas, resident of Mohalla- Chatradhari Bazar, P.O- Chapra, P.S.- Bhagwan Bazar, District- Saran.
14. Pramod Kumar Jaiswal Son of Late Yadu Nath Prasad Jaiswal, resident of Mohalla- Sahebganj, P.O.- Chapra, P.S- Chapra Town, District- Saran.
15. Tribhuwan Prasad Son of Satyadeo Prasad, resident of Village-Shitalpur Bareja, P.O.-Manjhi, P.S.- Manjhi, District- Saran.
16. Rajbalam Prasad Son of Late Shukhdeo Prasad, resident of Village- Lahladpur, P.O- Panditpur, P.S.- Janta Bazar, District-Saran.
17. Laxman Ram Son of Ram Chhabila Ram, resident of Village-Basarikapur, P.O- Basarikapur, P.S.- Dubhar, District- Balia (U.P.).



18. Chhabila Singh Son of Late Ramrekha Singh, resident of Village- Beanakatti Uttar Tola, P.O- Rewatith, P.S.- Baikunthpur, District- Gopalganj.
19. Raghubansh Singh Son of Late Jagannath Singh, resident of Village- Maripur Kala, P.O- Nandpur, P.S.- Manjhi, District- Saran.
20. Md Ijahar Ali Khan Son of Md. Sagir Hassan Khan, resident of Village- Maraha, P.O- Natwar Semariya, P.S.- Manjhi, District- Saran.
21. Akhilesh Kumar Gupta Son of late Mahajan Sah, resident of Village- Kopa Bazar, P.O.- Kopa, P.S.- Kopa, District- Saran.
22. Awadh Kishor Mishra Son of Late Sivlakhn Mishra, resident of Village- Patkhauri, P.O.- Nandpur, P.S.- Manjhi, District- Saran.
23. Sugriv Ram Son of Late Ram Brikchha Ram, resident of Village- Diuli, P.O.- Basdih Road, P.S.- Basdih Road, District- Balia (U.P.).
24. Ram Pravesh Ram, Son of Late Ramdular Ram, resident of Village- Baidnath Chapra, P.O & P.S.- Raniganj Bazar, District- Balia (U.P.).
25. Ram Narayan Chaudhary Son of late Khichari Chaudhary, resident of Village- Taghrauli, P.O- Aamghat via Basdih, District- Balia (U.P.).
26. Kameshwar Singh Son of Late Ram Chandra Singh, resident of Village Pursawani, P.O- Kashi Tengrahi, P.S.- Mahmaddpur, District- Gopalganj.
27. Umashankar Pandit Son of Late Jangal Pandit, resident of Village- Mora, P.O- Mora, P.S.- Bhagawanpur Hat, District- Siwan.
28. Parash Nath Prasad Son of Late Baharan Prasad, resident of Village-Jagannathpur, P.O- Madhopur, P.S.- Barhariya, District- Siwan. ... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Secondary Education, Main Secretariat, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Additional Secretary, Finance Department, Government of Bihar, Patna.
4. The Director Secondary Education, Government of Bihar, Patna.
5. The Accountant General, Bihar Birchand Patel Road, Patna.
6. The Regional Deputy Director Education, Saran Parmandal Chapra.
7. The District Education Officer, (D.E.O), Saran Chapra.
8. The District Education Officer, (D.E.O), Siwan.
9. The District Education officer, (D.E.O), Gopalganj. ... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Mahesh Narayan Parbat, Sr. Advocate  
 For the Respondent/s : Md. Nasrul Hoda Khan, SC-1,  
 Md. Hansun Quareshi, AC to SC-1

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2 27-03-2018

This writ petition was filed on 25.2.2016 with two advance



copies to the office of the Accountant General but unfortunately, two years are not enough for the respondents to file counter affidavit and as a result of their reluctance the petty matters, which can be disposed of in first hearing, are kept pending for years.

The petitioners are aggrieved by the order contained in Annexure-6 series, whereby the benefit of pay enhancement was made effective from the date of its issuance.

Mr. Mahesh Narayan Parbat, learned senior counsel appearing for the petitioners submits that the petitioners cannot be made to suffer on account of indecisiveness of the respondents. It is well settled that one cannot suffer for the lapse of the respondents for delay in taking decision. The petitioners have superannuated but even after their retirement they have been deprived of the benefits, which they are otherwise entitled.

Mr. Parbat submits that the decision as contained in Annexure-6 series, so far as extending the benefit from the date of issuance of the order of approval is unreasonable and arbitrary and it creates a class within the class. When other similarly circumstanced have been extended the benefit of upgradation either under the scheme of time bound promotion or under Assured Career Progression, there is no reason to deny



the benefit of pay enhancement to the petitioners.

Unfortunately, on behalf of the State no assistance has been rendered in this case either on fact or in law.

In the aforesaid circumstances, the writ petition is disposed of with a direction to the Director, Secondary Education, Government of Bihar to consider the case of the petitioners in the light of the decision of the State Government for granting ACP and MACP and extend the benefit of pay enhancement/upgradation on account of length of service rendered by the petitioners.

Necessary decision on the entitlement of the petitioners must be taken by the respondents notwithstanding Annexure-6 series within a period of three months from the date of receipt/production of a copy of this order and consequential order for monetary benefits may also be issued by the respondents within the time frame indicated hereinabove.

With the aforesaid, the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

spandey/-

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