

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12741 of 2009

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Harihar Tiwary (Retired Assistant, Bihar School Examinatin Board, Patna),
Son of late Ganga Tiwary, at present resident at C/o Sri Saroj Kumar Sharma,
near Bambam Medical Hall at Jagat Narayan Road, P.S. Kadam Kuan, Town
and District Patna and permanent resident of Village Parmanpur, P.S. Ametha,
P.S. Dawath, Dist. Rohtas.

... .. Petitioner/s

Versus

1. Bihar School Examination Board, Patna through its Chairman.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.
4. The Deputy Secretary (Establishment), Bihar School Examination Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra
For the Respondent/s : Mr. Girijesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 23-02-2018

Heard learned counsel for the petitioner and counsel for the
Bihar School Examination Board.

The limited grievance has been raised by the petitioner that
the petitioner having been deprived two annual increments and
having been not paid the special pay, which has been given to
other employees of the Board.

Paragraph no.6 of the counter affidavit, filed by the Board,
reads as follows:-

“6. *That it needs to be clarified at this stage itself that
the two increment which had accrued on account
of revocation of suspension, on May 2003 and May
2004, the same had been provided to the petitioner,
but further increment thereafter was not*



admissible to the petitioner as the same would have accrued on May 2005 but it was prior to that the petitioner had superannuated on 31.01.2005.”

From paragraph no.6, as quoted above, it appears that two annual increments, after the revocation of suspension, have been granted to the petitioner but, before the due date of May, 2005, the petitioner has been superannuated from service on 31.1.2005. So as per Board, two annual increments have been granted to the petitioner after revocation which the petitioner has disputed. The petitioner has further claimed that certain special pay, which has been paid to the other employees of the Board, has not been extended to him.

In view of the disputed question of fact with respect to grant of two annual increments after revocation of suspension, it will be advisable to the petitioner, he should file a representation before the Chairman, B.S.E.B. who will call for the record relating to the petitioner and pass a reasoned order with respect to grant of two annual increments as well as special pay. If the Chairman would find that the petitioner is entitled for the same, it goes without saying that the same should be extended to the petitioner.

If the petitioner files a fresh representation along with a copy of this order before the Chairman of the B.S.E.B., the same must



be disposed of within a period of three months from the date of filing of the representation.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.02.2018
Transmission Date	NA

