

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.303 of 2018

In
Civil Writ Jurisdiction Case No.11100 of 2014

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1. The Director, National Institute of Technology, Patna-cum-Chairman, Selection Committee, NIT, Ashok Raj Path, Patna.
 2. The Registrar, National Institute of Technology, Ashok Raj Path, Patna.
 3. The Chairman, Board of Governors of National Institutes of Technology, Patna.

... .. Appellant/s

Versus

1. Amit Kumar S/o Prof. Suresh Kumar Sinha New Patliputra Colony, Road No. 3 H, House No. 328, Patna.
2. Ashish Ranjan Sinha S/o Prof. Krishna Kumar Sinha CC - 82, P.C. Colony, Kankarbagh, Patna.
3. Rajendra Prasad Singh S/o Sri Ramji Singh Mohalla - Shivpuri (Beur Road), P.S. - Anishabad, Patna.
4. Bijay Kumar Das S/o - Sri Kewal Sharan Das 301, Narayan Plaza, B.M. Das Road, P.S. - Pirbahore, Patna.
5. The Union of India through the Secretary, NITs, Department of Higher Education, Ministry of Human Resources Department, Government of India, New Delhi.
6. The Deputy Secretary, NITs, Department of Higher Education, Ministry of Human Resources Department, Government of India, New Delhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Sanjay Kumar Giri, Advocate
For the Respondent/s	:	Mr. Abhay Shankar Jha, CGC

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-07-2018

Delay of 54 days in filing of the appeal is condoned and I.A. No.303 of 2018 is allowed and disposed of.

Even though the respondent Nos.1 to 4 have been served, none appears for them.

Keeping in view the fact that this appeal has to be allowed and the matter remanded back for re-consideration before the learned Writ Court, we proceed to decide the issue in question.

The dispute in question raised in the writ petition by respondent Nos.1 to 4 were that the benefit of A.G.P. of Rs.9000/- per month has been denied to them and challenging the denial the writ petition in question was filed. When the writ petition came up for hearing on 5.12.2017, it was pointed out to the learned Writ Court that the issue has been considered with regard to the employees of the appellant institute on 7.8.2015 by a Co-ordinate Bench of this Court in C.W.J.C. No.4873 of 2014 (Dr. Anshuman Singh & Anr. Vs. The Union of India & Ors.), 2016 (1) P.L.J.R. 219 and taking note of the same the learned Writ Court remanded the matter back to the appellant for re-consideration. However, having heard Shri Giri, learned Senior Counsel, and on going through the record, we find that in the case of Dr. Anshuman



Singh (supra) after re-consideration the appellant had rejected the matter and the issue was pending consideration again at the instance of Dr. Anshuman Singh in C.W.J.C. No.11189 of 2016 (Dr. Anshuman Singh & Anr. Vs. Union of India & Ors.).

Shri Giri argues that once on re-consideration in the case of Dr. Anshuman Singh (supra), the prayer was rejected by the institute, the issue should have been decided on merit along with the pending writ petition of Dr. Anshuman Singh and no useful purpose would be served by remanding the matter back to the appellant for re-consideration. He, therefore, makes a prayer for allowing this appeal, restoration of the writ petition and its hearing along with the case of Dr. Anshuman Singh. We find the aforesaid prayer to be reasonable and acceptable as the Department has already considered the prayer of the employees identically situated and has rejected it, as is evident from the orders passed in the case of Dr. Anshuman Singh (supra) and the same is sub judice before a Bench of this Court in C.W.J.C. No.11189 of 2016.

Taking note of all these factors, we allow this appeal, quash the order dated 5.12.2017 passed in C.W.J.C. No.11100 of 2014, restore the aforesaid application to its original file and request the learned Writ Court to decide it along with the



pending writ petition of Dr. Anshuman Singh i.e. C.W.J.C.
No.11189 of 2016 at an early date.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.07.2018
Transmission Date	N/A

