

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21798 of 2014

Janrdan Prasad Dixit Son of Late Balbhadra Prasad Dixit Resident of
Mohalla-Miscot Lane No.4, P.O.-Ramna, P.S.-Mithanpura, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through, the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of Human Resources Development,
Govt.of Bihar, Patna.
3. The Director (Administration)-cum- Joint Secretary, Department of Human
Resources Development, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai
For the Respondent/s : Mr. Sc14- Dr. Anshuman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 06-11-2018 Having regard to the scheme itself was withdrawn in 1985, the benefit of two increments on attaining Ph.D is not available to the petitioner as the scheme itself has been withdrawn. The objection as to the merger subsequently is not relevant for deciding the present application as no indulgence is possible in a situation where the scheme itself has been withdrawn.

Mr. Shekhar Singh submits that the petitioner has acquired Ph.D in 1981 and the scheme was available under Rule 805 of the Bihar Education Board since 1977 and was withdrawn in 1985.

Mr. Shekhar Singh submits that on account of



decision of merger which was finally decided by the Apex Court vide judgment dated 23rd November, 2011 is effective from 1.1.1977 and as such the petitioner would be entitled to the benefit of two increments in terms of Rule 805 of the Bihar Education Rules.

Considering the fact that the petitioner acquired Ph.D and the decision of merger was finally taken by the Supreme Court on 23rd November, 2011 and before that decision the scheme of granting two increments was withdrawn in 1985.

The present writ application was filed in 2014 for grant of benefit of two advance increments, does not merit any consideration, it is disposed of accordingly for the two folds reasons firstly that the scheme itself has come to end in 1985 and secondly the petitioner has approached after 29 years of closer of scheme only after decision of merger finally in 2011.

The Court does not find any merit to entertain this writ application.

It is dismissed accordingly.

(Anil Kumar Upadhyay, J)

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