

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24675 of 2013

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1. Sant Sharan Singh S/O Late Bishwa Roop Singh Resident Of Village- Anaith, P.S- Nawada, District- Bhojpur.
 2. Md. Hussain S/O Md. Sayeed Resident Of Mohalla- New Colony Milky, Mohalla, P.S- Ara Town, District- Bhojpur.
 3. Bhageshwari Jain W/O Late I.C Jain Resident Of Station Road Nawada, Ps- Ara Nawada, District- Bhojpur.
 4. Jagdish Kumar Singh S/O Late Ram Kishun Singh Resident Of Mohalla- Tilak Nagar Kativa, P.S- Nawaa (Ara), District- Bhojpur.
 5. Kameshwar Prasad Keshri S/O Bijuli Shah Resident Of Mohalla- Suryapuri Sital Tola At Ara, P.S- Ara Town, District- Bhojpur.
 6. Raghunandan Singh S/O Late Ram Parikha Singh Resident Of Birampur, P.S- Koilwar, District- Bhojpur.
 7. Ram Kumar Dubey S/O Late Shiv Bihari Dubey Resident Of Village- Sarangpur, Ps- Ara, Muffasil, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar, Through Its Principle Secretary, Govt. Of Bihar, Patna
2. The Secretary, Human Resources Development Department, Govt. Of Bihar, Patna.
3. The Director, Secondary Education, Govt. Of Bihar, Patna.
4. The District Education Officer, Bhojpur.
5. The Secretary, Finance Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad, Sr. Advocate
		Mr. Manoj Kumar Singh, Advocate
For the State	:	Mr. Manish Kumar, AC to AAG-6

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 17-09-2018



Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

2. For the reasons stated in I.A. No. 351 of 2017, the prayer for substitution of petitioner No. 6, who has died during the pendency of the writ petition, is allowed. Let the name of the petitioner no. 6 be expunged and in his place his heirs and legal representatives as mentioned in para-2 of the interlocutory application, be substituted as petitioner Nos. 6A, 6B and 6C as the claim of monetary benefit is involved in the present writ petition and the legal heirs' right to sue survives.

3. The petitioners are aggrieved by the resolution contained in Memo No. 787 dated 03.09.2010 and the follow up letter No. 788 dated 03.09.2010.

4. Learned senior counsel, Mr. Rajendra Prasad, appearing on behalf of the petitioners, submits that the benefit of 6th Pay Revision Commission recommendation was extended to the employees of recognized Non-Government Minority High School from the date of issuance of notification i.e. 03.09.2010, whereas the same was extended to the employees of the State Government notionally with effect from 01.01.2006 and actual financial benefit from 01.04.2007. He submits that if the respondents have extended the benefit of 6th PRC from 01.01.2006



notionally and with financial benefits with effect from 01.04.2007 to the employees of the State Government, the respondents cannot adopt two different yardsticks in the matter of grant of such benefits to the employees of Non-Government Minority High School with effect from 3.9.2010.

5. This writ petition was filed on 10.12.2013 with two advance copies to the office of the Advocate General. Unfortunately, even after expiry of nearly five years no counter affidavit has been filed on behalf of the respondents to justify their action of fixing two different cut off dates for grant of benefit of 6th PRC.

6. The Court, in the absence of any ground justifying Annexures 6 and 7, is left with no option but to direct the respondents to grant the benefit of 6th PRC recommendation notionally with effect from 01.01.2006 and with financial benefits with effect from 1.4.2007 to the teachers of Non-Government Minority High School also. Accordingly, the writ petition is allowed. The respondents are directed to consider the entitlement of the petitioners treating the effective date of grant of 6th PRC notionally with effect from 01.01.2006 and with financial benefits from 01.04.2007 and extend consequential benefits to the



petitioners within a maximum period of four months from the date of receipt/production of a copy of this order.

7. With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.09.2018
Transmission Date	

