

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4858 of 2017

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1. Vishnu Dayal Paswan, S/o Late Ramsevak Paswan, resident of Anglo-Indian Bachelor Quarter No.3, Alamganj thana Campus, P.S.- Alamganj, District- 7.
 2. Birendra Kumar, S/o Late Vishwanath Prasad Singh, resident of Mohalla- Maheshpur, P.S.- Mehdiganj, Patna-8.
 3. Rajeev Ranjan, S/o Late Ramjee Sah, resident of Mohalla- Dundi Bazar, P.S.- Chowk, District- Patna-8.
 4. Manoj Kumar Verma, S/o Late Yogendra Prasad Verma, resident of Anglo-Indian Bachelor Quarter No.2, Alamganj thana Campus, P.S.- Alamganj, District- 7.
 5. Raghubir Rai, S/o Late Bhola Rai, resident of C/o Arun Kumar, Amar Sah Tel Kigali, P.S.- Alamganj, District- Patna.
 6. Arun Kumar, S/o Late Sitaram Thakur, resident of Mohalla- Pandriva Gali, Gujri Bazar, P.S.- Khajekala, District- Patna.
 7. Shiv Shankar Prasad, S/o Late Shivdhari Prasad, resident of Chandpur Bela, P.S.- Jakkanpur, District- Patna-1.
 8. Ashok Kumar, S/o Late Bhola Singh, resident of Danapur Defense Colony, P.S.- Danapur, District- Patna.
 9. Bhubneshwar Rabi Das, S/o Late Laloo Rabi Das, resident of Mohalla- Belwarganj, Raj Petrol Pump Kigali, Dusadhtoli, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Finance, Government of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The Director (Press), Printing & Stationary, Department of Finance, Government of Bihar, Patna.
4. The Superintendent, Bihar Secretariat Press, Gulzarbagh, Patna-7.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Lakmesh Marvind, Adv.
For the Respondent/s	:	Mr. Shashi Shekhar Kr. Prasad, AC to PAAG2

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 31-08-2018

Heard learned counsel for the parties.

In this case, the petitioners are seeking relief of annual increment which has been stopped since 2013 on the ground that the petitioner has failed to obtain the necessary skill in operating the computer.



The Government of Bihar has framed Rule in the name and style of Bihar Government Servants (Computer Competency for recruitment and confirmation) Rules, 2011 which has been made applicable to the Secretariat Assistants, Supervisory Cadres and Group 'C' Employees.

Admittedly, the petitioner is a member of Group 'C' employee and, as such, the provision of this Rule will apply and Rule 4 itself prescribes the qualification of computer competency for working employees which is applicable to the petitioner and Rule 4(b) itself prescribes the Government Servants who are already confirmed, and for whom it is essential to pass computer competency test for getting the next increment, the certificate for passing a course of DOEACC Society, which shall be determined by the Information Technology Department, shall be necessary for the next increment and Clause 'c' of Rule 4 itself prescribes the grant of relaxation and exemption.

Learned counsel for the petitioners has submitted that the petitioner is doing technical work and, thus, the aforesaid Rule does not apply to them as the petitioners have been exempted from passing the Hindi Noting and Drafting Examination and further submitted that similar to these petitioners, the Government has granted exemption to those who have been discharging the



duty in the Provident Fund Department which is reflected from the Memo No. 1007 dated 19.2.2016 (Annexure-5) have been granted exemption from passing the Hindi Noting and Drafting Examination as well as the computer examination. Learned counsel for the petitioners submits that the case of the petitioners is completely identical to their cases.

In view of the fact it has been submitted that the petitioners and the persons mentioned therein are discharging the same and similar nature of duty as well as merely because they have not passed the examination of computer, cannot be deprived of the benefit of early increment.

Let the authority should examine the case of the petitioners and if the petitioners' case and the persons mentioned in the Memo No. 1007 dated 19.2.2016 (Annexure-5) are identical, in such circumstances, the petitioners cannot be deprived of the benefit as has been extended to them.

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
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