

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12075 of 2014

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Dr. Amod Narayan Sharma Son of Late Hirdaya Narayan Ojha, C/o Enro
Anand Narayan Sharma, E-2/3 Purnendu Nagar, Phulwarisharif, P.S.-
Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary, Government of Bihar, Patna
3. The Principal Secretary, Department of Health, Government of Bihar, Patna
4. The Principal Secretary, Department of Finance, Government of Bihar, Patna
5. The Secretary, Department of Finance, Government of Bihar, Patna
6. The Principal, Patna Dental College and Hospital, Bankipur, Patna
7. The Accountant General, Bihar, Patna
8. The Distt. Account Officer, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Harendra Prasad Singh
For the State	:	Mr.Vijay Laxmi Srivastava, AC to SC23
For Accountant General	:	Mr. Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 22-04-2019

Petitioner being dentist claims parity in the matter of enhancement of age of superannuation as determined by the Government on 12.10.2009. The age of doctor was enhanced from 60 to 62 years. Petitioner was denied benefit of enhancement of age in superannuation. Respondents denied his enhancement on the basis of classification that he was not a general doctor, rather a dentist and that age has not been enhanced for dentist. Petitioner approached this court in proceeding arising out of CWJC no. 16979 of 2009. By virtue of interim order, petitioner was deemed



to continue on his post even after 31.7.2009 i.e. petitioner's age of superannuation on the basis of 60 years. The issue was finally decided by this court under order dated 30.03.2010. Respondents accepted date of retirement of the petitioner to be 62 years recognizing the effect of interim order dated 30.03.2010 passed in CWJC no. 16979 of 2009.

Petitioner, thereafter, was given all notional benefits for the extended period from 31.7.2009 to 31.7.2011, by virtue of interim order dated 30.03.2010.

Instant writ petition has been filed claiming all actual benefits for the said period. Between 31.7.2009 to 31.7.2011. This court initially was not inclined to allow petitioner's prayer since benefits had already been paid on notional basis by virtue of interim order passed by this court in earlier proceeding. At the end of today's proceeding, petitioner has come out with a claim that one Dr. Govind Singh who was also a dentist working in the Government Medical College, West Champaran had been continued till age of 62 years. Issue has not been raised before the authorities prior to this proceeding.

Therefore, counsel for the petitioner submits that placing reliance on case of Dr. Govind Singh, he would be seeking parity



in the matter of grant of actual benefit for the period in between 31.7.2009 to 31.7.2011 from respondent no.3.

In view of such submissions, no further order is required to be passed in this case as consideration has to be done by respondent no.3. This court only observes that if benefit had been granted to Dr. Govind Singh, on whose case, petitioner relies in support of his claim, State can not discriminate in the matter of grant of benefit for the said period to the petitioner.

Petitioner's counsel submits that he will place his claim before respondent authority within four weeks.

In the event, such application is filed, respondent no.3 should dispose off his claim for all actual benefits for enhancement of age of superannuation by reasoned and speaking order within three months thereafter.

Writ petition stands disposed off.

(Madhuresh Prasad, J)

s.hassan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.4.2019
Transmission Date	NA

