

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2459 of 2016**

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Arjun Kumar Son of Late Maheshwar Narain Singh, resident of Teacher's Colony, Near Mama Kirana, Ahiyapur, P.O. and P.S.- Muzaffarpur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Water Resources Department, Governemnt of Bihar, Patna.
2. The Engineer-in-chief, Water Resource Department, Government of Bihar, Patna.
3. The Chief Engineer, Water Resources Department, Bhagalpur.
4. The Superintending Engineer, Irrigation Anchal No.2, Water Resource Department, Jamui.
5. The Executive Engineer, Division No.2, Water Resource Department, Jamui.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-------------------------------------------------------------------|
| For the Petitioner/s | : | Mr.Amaresh Kumar Sinha, Advocate<br>Mr. Nagadeo Choubey, Advocate |
| For the Respondent/s | : | Mr.Mahtab Alam, AC to SC 20                                       |

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL JUDGMENT**

**Date : 07-03-2019**

The claim of the writ petitioner in the instant writ petition is for actual financial benefits of the scale of Rs. 1500-2700/- with effect from 01.01.1986 and scale of Rs. 5000-8000/- with effect from 01.01.1996 i.e., the replacement scale for Assistant Driller.

The claim of the petitioner is based on two communications dated 19.06.2007 (Annexure 3) and 04.02.2010 (Annexures 4 & 5). Annexure 3 has been issued by the Superintending Engineer of the Irrigation Circle no. 2 Jamui. Annexures 4 and 5 have been issued by the Executive Engineer



of the Irrigation Division no. 2 Jamui. The petitioner's counsel submits that entrees to this effect were also recorded in his service book. It is thus submitted that denial of the actual financial benefits for the said scales is arbitrary and without any basis.

The respondents have filed the counter affidavit. It is their specific case that for holding the post of Assistant Driller matric pass and an ITI certificate was the requisite qualification. Though the petitioner is matric pass but he did not possess ITI certificate. On that ground he was not qualified for holding the post of Assistant Driller.

On account thereof the petitioner can have no valid claim for the replacement scale ment for Assistant Driller. With reference to Annexures 3, 4 and 5, this court would observe that in all the communications the replacement scales as noted above have been recommended in favour of the petitioner but they are all subject to verification of the said scales in favour of the petitioner by the District Accounts Officer (pay fixation). Such condition of verification contemplated in Annexure 3, 4 and 5 have never been complied with. The petitioner therefore, does not have any vested right to such recommendations which were subject to verification as above.



From the pleadings on record the admitted position is that petitioner did not possess ITI qualification. It is also not the case of the petitioner that the replacement scales recommended in his favour was ever verified by the District Accounts Officer (Pay fixation) Finance Department. Clearly the petitioner is not in a position to claim the said replacement scales as a matter of right.

In view of the foregoing conclusions, writ petition is devoid of merit and the same is dismissed.

**(Madhuresh Prasad, J)**

Prakash/-

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