

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 10367 of 2011

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Vidya Prakash Kesari S/o Late Banshilal Kesari R/O Lakhibagh, Near Sudha Talkies, P.S.-Mofussil, District.-Gaya, Bihar Presently Posted As Laboratory Assistant In Govt. Polytechnic, Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Science and Technology, Government of Bihar, Patna
2. The Director, Directorate of Science And Technology Under Deptt. Of Science And Technology Govt. Of Bihar, Patna
3. The Principal Govt. Polytechnic, Gaya
4. The Accountant General (A and E) Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Brijeshwar Narayan Singh, Advocate
For the Respondent/s : Mr Manoj Kumar, AC to GP IV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 22-07-2019

Heard the petitioner's counsel as well as the State Counsel.

2 Learned counsel for the petitioner submits that the issue regarding parity of the Laboratory Assistants with Demonstrators now stands concluded in view of the decision of this Court in CWJC No 5238 of 2006, as the same has now been affirmed by the Division Bench in LPA No 1455 of 2010. The State Government moved the Apex Court against the order of the Division Bench. On 30.08.2012, the Apex Court found no reason



to interfere with the order passed by the Division Bench and by recording such consideration, the Special Leave Petition was dismissed.

3 Parity of the petitioners, who are Laboratory Assistants in the Government Polytechnic, therefore, stands concluded with that of Demonstrators for the purpose of grant of University Grant Commission (for brevity, UGC) scale.

4 Learned State Counsel, on the other hand, submits that the petitioner's case is slightly different. He submits that the respondents, as per the Communication dated 05.07.2011 issued by the Department of Science and Technology, Government of Bihar (Annexure B series to the rejoinder to the counter affidavit) had conveyed to the petitioner that on disposal of the matter by the Division Bench, the claim of the petitioners for parity would be considered. Now, that the LPA No 1455 of 2010 has been disposed of by the Division Bench affirming the parity of Laboratory Assistant with Demonstrators, the claim of the petitioner for grant of UGC scale by treating him as Demonstrator would be considered by the Authorities and if the claim of the petitioner is found at the par and there is no other impediment, then the same shall be granted to the petitioner.



5 The decision now, in view of the aforesaid developments and in light of the respondent's communication dated 05.07.2011 has to be done by the respondent-authorities themselves.

6 Pendency of the instant writ petition becomes futile in view of the aforesaid developments.

7 Respondent No 2 should take a final decision on the petitioner's claim with regard to the decision in CWJC No 5238 of 2006, LPA No 1455 of 2010 and order passed by the Apex Court in SLP (Civil) No 8064 of 2012.

8 Let the final decision be taken by the Director and dues, if found payable to the petitioner, the same must be paid within a period of three weeks from the date of receipt/production of a copy of this order.

9 Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.07.2019
Transmission Date	NA

