

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No 4505 of 2015**

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Anil Kumar Srivastava, son of Sheo Ratan Prasad, resident of Mohalla - New Chandmari, near - Vimala Sadan, Chilwania Road, P.O. Motihari, P.S.- Motihari Town, District- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna
2. The Additional Secretary, Finance Department, Govt. of Bihar, Patna.
3. The District and Sessions Judge, East Champaran at Motihari
4. The Registrar, Civil Court, East Champaran at Motihari

... .. Respondent/s

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**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr Anil Kumar, Advocate        |
| For the State        | : | Mr Kinkar Kumar, SC IX         |
|                      |   | Mr Yogesh Kumar, AC to SC IX   |
| For the High Court   | : | Mr Bindhyachal Singh, Advocate |

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL JUDGMENT**

**Date : 15-03-2019**

Heard learned counsel for the petitioner and the respondents.

2 It is submitted by the petitioner's counsel that being the senior most in the office, petitioner was posted as Head Clerk -cum- Sheristedar to the District & Sessions Judge on 09.10.2014. He continued, as such, till his superannuation on 31.01.2015. It is his grievance that though he was discharging the duties on the said post till his superannuation, the scale of Rs 8,000 – 13,500/- prescribed for Head Clerk -cum- Sheristedar has not been paid for



last three months of his service which he rendered on that post. The deprivation of three months salary has a major effect in his pension inasmuch as if the said scale is granted, the same would entail refixation of his pension on higher scale and other consequential benefits arising therefrom.

**3** Respondents No 3 and 4 have filed counter affidavit. They have submitted that the petitioner did not fulfill the requisite qualification of Computer proficiency by obtaining training from DOEACC Society. Such training was a mandatory requirement under the letter of the High Court dated 13.01.2014 bearing No 1896 -1926/2014/Computer Cell (Annexure A) to the counter affidavit filed by respondents No 3 and 4.

**4** Learned counsel for the petitioner, on the other hand, has relied upon a subsequent communication of the High Court dated 09.09.2014 which, according to his submission, allows the petitioner exemption from the training by DOEACC Society as he had served on the said post as Head Clerk -cum- Sheristedar for much less than one year just prior to his retirement.

**5** The letter dated 09.09.2014 is Annexure 9 to the rejoinder filed by the petitioner. The same provides that employees, who are to retire within one year and who have already got requisite qualification/certification, are not required to undergo



IT Training. Whether the IT Training, referred to in the said communication, is in respect of the said DOEACC, is not apparent from the communication of the Registrar IT -cum- CPC, High Court of Judicature at Patna. The issue is not clear in view of the last line of the said letter which provides exemption for employees who have already got requisite qualification/certification. The issue, therefore, has to be examined whether the benefits of the letter dated 09.09.2014 issued by the Registrar IT -cum- CPC, High Court of Judicature at Patna could be extended to the petitioner or not?

6 In the circumstances, learned counsel for the petitioner submits that he would submit a comprehensive representation before the District & Sessions Judge, East Champarat at Motihari (respondent No 3) claiming exemption from the requisite training of DOEACC and for grant of scale of Rs 8,000 – 13,500 by exempting the said requirement in favour of the petitioner.

7 Without expressing any opinion on the merits of the claim made by the writ petitioner, the writ petition is disposed of with liberty to the petitioner to make his representation before the District & Sessions Judge, East Champaran at Motihari.



8 In the event, such application is filed within four weeks from today, the authorities would be obliged to consider the claim of the petitioner in accordance with law by a reasoned and speaking order within a period of three months thereafter.

(Madhuresh Prasad, J)

M.E.H./-

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| AFR/NAFR          | NAFR       |
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