

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16101 of 2019**

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Binod Kumar Son of Late Bhagwat Prasad R/o Village-Bijokhari, P.O. and  
P.S. Telhara, District Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,  
Govt. of Bihar, Patna
2. The Secretary Personnel and Administrative Reforms Department, Govt. of  
Bihar, Patna
3. The Secretary Finance Department, Govt. of Bihar, Patna
4. The Additional Chief Secretary Education Department, Govt. of Bihar, Patna
5. The Director Primary Education, Bihar, Patna
6. The Director Mid-day Meal Scheme, Bihar, Patna
7. The Deputy Secretary-cum-Nodal Officer Department of Education, Bihar,  
Patna

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Raj Kishor Prasad             |
| For the Respondent/s | : | Mr. Subhash Chandra Mishra (SC16) |
| For the MDM          | : | Mr. Girijesh Kumar, Advocate      |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      21-08-2019                      Heard the learned counsel for the parties.

The petitioner is aggrieved by the communication made to him by the Director, Mid-day Meal Scheme, Bihar, Patna dated 25.06.2019 contained in Memo No. 1123, whereby the claim of the petitioner for being paid on parity with a government employee of the same rank has been rejected orally.

It has been submitted on behalf of the petitioner



that way back in the year 2007 *vide* Memo No. 2401 dated 18.07.2007, a resolution was issued by the Government in the Department of Personnel and Administrative Reforms, Government of Bihar, Patna, issuing an advisory that persons working against regular sanctioned and vacant post on contract be given the salary equal to their counter parts at the basic level with all other monetary benefits which are available to such employee. When the petitioner found that such resolution was not being implemented and lesser salary was being paid to him, he made a representation before the concerned authorities and pursuant to such representation, his case was placed before a Three-Men Committee to take a final decision. The Three-Men Committee sat over the matter and by resolution dated 07.03.2018 contained in Annexure-5 to this writ petition, directed that after clearance from the Finance Department, necessary / further orders be passed. Thereafter, without any reason, by order dated 25.06.2019, referred to above, the petitioner has been communicated that his claim for being paid the salary in terms of the resolution of 2007 referred to above has been rejected orally



by the Additional Chief Secretary, Education Department,  
Government of Bihar, Patna.

The aforesaid decision was communicated to the  
petitioner by the Director, Mid-day Meal Project, Bihar,  
Patna.

Mr. Hemendra Prasad Singh, learned senior  
Advocate for the petitioner has submitted that no reason has  
been assigned for rejecting the claim of the petitioner when  
the Three-Men Committee had given a clearance for  
implementation of the resolution of 2007 advising the  
Government Department to pay to such employees such  
salary at the basic level which is paid to the employee of the  
Government of the same rank. The oral rejection of the  
claim of the petitioner by the Additional Chief Secretary,  
Education Department, Government of Bihar, Patna does not  
indicate the reasons for such rejection.

The petitioner is surely entitled to know the reason  
for rejection of his claim.

Under the aforesaid circumstances, this Court  
deems it appropriate to direct the petitioner to make a clear



representation to the Additional Chief Secretary-cum-Principal Secretary, Education Department, Government of Bihar, Patna (Respondent No. 4) making a request for being made amicable the salary in terms of the resolution of 2007. Such representation shall be filed within a period of two weeks. On receipt of such representation, the concerned respondent, namely, the Additional Chief Secretary-cum-Principal Secretary, Education Department, Government of Bihar, Patna shall pass a reasoned order in accordance with law within a further period of six weeks thereafter.

With the aforesaid observation / direction, this petition stands disposed off.

**(Ashutosh Kumar, J)**

skm/-

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