

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 6173 of 2016

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Dr Rajkeshwar Kumar, son of Sri Lalmuni Ram, Resident of East Indra Nagar, House No 9, Road No - 1, Lohianagar, P.S.- Kankarbagh, Patna – 800 020.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar
2. The Secretary, Department of Labour Resources, Government of Bihar, Vikas Bhawan, New Secretariat, Patna
3. The Labour Commissioner, Department of Labour Resources, Government of Bihar, Vikas Bhawan, New Secretariat, Patna
4. The Principal Secretary, Finance Department, Government of Bihar.
5. The Principal Secretary, Department of Health, Government of Bihar, Vikas Bhawan, Patna.
6. The Under Secretary, Department of Labour Resources, Government of Bihar, Vikas Bhawan, New Secretariat, Patna
7. Principal Secretary, Department of Labour, Government of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Akhilesh Dutta Verma, Ashhar Mustafa, Advs
For the Respondent/s : Mr Ajay Behari Sinha, SC XIX

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 14-03-2019

Learned counsel for the petitioner is permitted to implead Principal Secretary, Department of Labour, Government of Bihar, Patna as respondent No 7.

2 Heard learned counsel for the petitioner and the respondent-State.

3 It is submitted by Mr Ashhar Mustafa appearing for the petitioner that the issue regarding parity in the age of



retirement of the petitioner and one Dr Shamsheer Bahadur Singh are one and the same as there is no difference in the issue raised by the petitioner or Dr Shamsheer Bahadur Singh whose issue now has been decided in the proceedings arising out of *LPA No 1628 of 2017*. The Division Bench of this Court, after considering the claim of Dr Shamsheer Bahadur Singh, has directed the Principal Secretary of the Department of Labour, Government of Bihar to consider grant of parity in age of superannuation at 65 years to the appellant Shamsheer Bahadur Singh in light of the observations made in the judgment of this Court dated 12.02.2019 passed in *LPA No 1628 of 2017*.

4 Since the petitioner's claim is at par with Dr Shamsheer Bahadur Singh, this Court would only observe that the respondent-authorities are obliged to extend the same consideration in case of the petitioner also as has been directed in the case of Dr Shamsheer Bahadur Singh in the *LPA* judgment, taken note of herein above.

5 Therefore, this Court would direct that the issue would be considered by respondent No 7 in light of the observations made in *LPA No 1628 of 2017*.

6 Needless to say if the petitioner's case is similar to that of Dr Shamsheer Bahadur Singh, the State would be under a



legal obligation even under their own Litigation Policy, 2011 to extend the same benefit to the petitioner. In this connection, this Court would only remind the authorities regarding the provisions contained in Clause 4.C (1) of the Bihar State Litigation Policy, 2011.

7 An additional prayer made by the learned counsel for the petitioner is that the respondents be directed to consider his return to the erstwhile Department that is Health Department or Employees State Insurance Corporation.

8 This Court would not comment on the same as the issue is one of administrative exigency which has to be considered by the respondent-authorities. Petitioner would be at liberty to approach them with this prayer for consideration of the respondent-authorities having regard to all relevant factors.

9 The writ petition is disposed of in terms of the aforesaid observations and directions.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.03.2019
Transmission Date	NA

