

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25636 of 2013

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Razaur Rashid Jauhar S/O Late Saiyad Mohammad Ali Resident Of Village-
Phulwaria, P.S- Phulwaria, District- Begusarai.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Science and Technology Department, Govt of Bihar New Secretariat Patna
2. The Director, Science And Technology Department, Govt. Of Bihar, New Secretariat, Patna- 1
3. The Deputy Secretary, Science And Technology Department, Govt. Of Bihar, New Secretariat, Patna- 1
4. The Principal, Govt. Polytechnic Barauni, Begusarai.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Chandra Mauli Chaurasia
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, AAG 13
		Mrs. Sunita Kumari, AC to AAG 13

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 14-10-2019

The petitioner, who was working as a Demonstrator in the Government Polytechnic, Barauni at Begusarai, had approached this Court earlier in CWJC No. 9890 of 1996 seeking grant of personal promotion as Assistant Professor in light of government decision dated 9.9.1991. He had also sought grant of consequential benefits as a result of such personal promotion including enhancement in age of superannuation to 60, instead of 58 years and other consequential benefits.

The petitioner's writ petition was disposed of having regard to the stand of the respondent State that the matter was pending



consideration. This Court while disposing of the earlier writ petition bearing CWJC No. 9890 of 1996 had made the following observations:-

“The concerned competent authority must pass his final order as with regard to grant of personal promotion to the petitioner and it goes without saying that if the petitioner is given such personal promotion on the post of Assistant Professor in terms of Government decision dated 9.9.1991, he would also be entitled for all consequential benefits.

With the aforementioned observations and directions, this writ application is disposed of.”

As a result of the earlier writ proceedings the respondents have taken a decision on the claim of the petitioner. On 4.9.2012 an order has been issued by the Science and Technology Department of the Government of Bihar, granting personal promotion as Assistant Professor to the petitioner with effect from 24.12.1992. The other claim on account of consequential benefits has been rejected by the same department in its communication dated 29.10.2012 (Annexure 18)

Counsel for the petitioner submits that benefits of personal promotion is required to be shifted back at least by a month since petitioner's result of M.SC. (Chemistry) was declared in November 1992. In view of petitioner acquiring eligibility in November 1992, grant of personal promotion with effect from a later date in December 1992 is unjustified and prejudicial to the petitioner's claim

The position that emerges from the pleadings is that the petitioner for the first time applied for promotion on 2.12.1992. Grant



of promotion with effect from December 1992 in the opinion of this Court therefore does not require any interference so as to direct for shifting back the date by a month.

As regards the consequential benefits due on account of grant of personal promotion, this Court would observe that no specific direction is required to be issued by this Court in these proceeding as this Court in the earlier proceedings arising out of CWJC No. 9890 of 1996 had already held that the petitioner was entitled for all consequential benefits. The specific direction of the court regarding entitlement of the consequential benefits is required to be given effect to by the State authorities as the order dated 20.5.2011 passed in CWJC No. 9890 of 1996 has attained finality inter parties and is binding upon the State authorities.

The petitioner has also alleged discrimination in the matter of grant of consequential benefits, such as enhancement of age of retirement to 60 years, grant of monetary consequential benefits on account of such enhancement and fixation of pensionary benefits. The discrimination is alleged since one similarly situated namely Ramendra Pandey has been granted these benefits pursuant to orders passed in his writ proceedings as well as contempt proceeding. Declaration in respect of petitioner's entitlement to said claim has already been done in the earlier writ proceeding. Consequential benefits on account of grant of personal promotion as Assistant Professor has also been extended to others similarly situated. The respondents in the circumstances are



wholly unjustified in rejecting the claim of the petitioner for grant of consequential benefits under order dated 29.10.2012.

For the reasons indicated hereinabove order dated 29.10.2012 is quashed. The authorities should issue direction extending consequential benefits arising out of enhancement of age and other monetary consequential benefits including fixation of pension; and payments as a consequence thereof along with statement showing details of calculation expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this order.

The writ petition is allowed with the aforesaid directions.

(Madhuresh Prasad, J)

SNkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
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