

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2361 of 2012

1. Madhubani Zila Parishad Karmchhari Sangh through its Mantri Shri Lal Bahadur Mishra S/O Tripit Mishra R/O Village- Lakshmipur Raiyan, P.S.- Bhairav Sthan, District- Madhubani
2. Lal Bahadur Mishra S/O Tripit Mishra R/O Village-Pattitol Raiyan, P.S.- Bhairav Sthan, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Panchayati Raj Department, Government of Bihar, Patna
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna
4. The Director, Panchayati Raj Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar
For the Respondent/s : Mr.Lalit Kishor Aag1

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-08-2020

Petitioner has prayed for following reliefs:-

- i. For issuance of an appropriate writ holding and declaring the provision as contained in Section 1(2) of Bihar State Employees Conditions of Service Conditions Amendment (“Assured Career Progression Scheme”) Rules 2003 as contained in Notification No. 3M-2-5-PR-28/99 4685 F(2) dated 25.06.2003 of the Finance Department quoted as follows “It shall be extended to all the Regular employees of the Group ‘B’, ‘C’ and ‘D’ of the State Government of Bihar.



This may also be made applicable by a special order of the State Government to holders of isolated posts of Group 'A' – This shall not be applicable to the teachers of nationalized schools and employees of the public undertakings or the autonomous institutions, assisted partially or fully, by the State Government” to be ultra vires so far as it states that this shall not be applicable to the employees of the public undertaking or the autonomous Institution assisted partially or fully by the State Government (hereinafter referred to as aforesaid provision’).

ii. For issuance of an appropriate writ in the nature of Mandamus commanding the Respondent to not to debar the employees of Zila Parishad of the State of Bihar from the benefit of Assured Career Progression Scheme as it will be in teeth of the notification dated 14th of May 1964 relating to The Bihar Panchayat Samiti and Zila Parishads (Conditions of Service Rules 1964) which states that the Service condition of the employees of the Zila Parishads shall be governed mutatis mutandis by the Rules in force for the corresponding class of the State Government.

iii. After declaring the aforesaid provision to be ultravires, the Respondents be restrained from recovery of the amount of the Assured Progression Scheme, the benefit of which has already been given to the employees of several Zila Parishads but subsequently by virtue of the order



issued by the Respondents, the same has been directed to be recovered.

iv. For issuance of any other relief/s for which the petitioners may be found entitled in the eye of law and in the facts and circumstances of the case.”

It is submitted on behalf of counsel for the State that issue raised in this writ petition stands decided by this Court by order dated 18.03.2010 passed in C.W.J.C. No. 3506 of 2010 and affirmed by Division Bench by order dated 02.12.2010 passed in L.P.A. No. 1505 of 2010 and present writ petition is accordingly disposed of in same terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

