

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4676 of 2021

Shivjee Thakur, S/o Late Chandra Thakur, R/o Nand Vihar Colony,
Mithanpura, Musahri, Muzaffarpur-842002, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director (Administration)-Cum-Joint Secretary, Department of Education, Government of Bihar, Patna.
4. The Director (Primary Education), Department of Education, Government of Bihar, Patna.
5. The District Programme Officer, Patna.
6. The District Education Officer, Patna.
7. The Block Education Officer, Dhanarua, Patna.
8. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nikhil Kumar Agrawal, Advocate
For the Respondent/s : Mr. Umesh Narayan Dubey, AC to GP-27
For the Accountant General: Mr. Raj Nandan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 01-11-2022

Heard Mr. Nikhil Kumar Agrawal, learned counsel for the petitioner, Mr. Umesh Narayan Dubey, learned AC to GP-27 for the State and Mr. Raj Nandan Prasad, learned counsel for Accountant General, Bihar.

2. In compliance of the order dated 29.09.2022, an interlocutory application, bearing I.A. No. 1 of 2022, for amending the cause title, has been filed.



3. In view of the submissions made on behalf of learned counsel for the petitioner, I.A. No. 1 of 2022 is hereby allowed and the office is directed to make necessary correction in the cause title, as has been mentioned in para.1 of the interlocutory application.

4. The present writ application has been filed for the following reliefs:

“(i) To issue an appropriate order/direction in the nature of *Mandamus* directing the Respondents to revise the Pension payable to the Petitioner w.e.f. 01.07.2007 by granting the benefit of ACP and Sixth Pay Revision and pay the arrears arising thereof.

(ii) To issue an appropriate order/direction in the nature of *Mandamus* directing the Respondents to grant the benefit of ACP to the petitioner w.e.f. 04.02.2003 in the pay scale of 6,500- 200 – 10,500/- and pay the arrears arising thereof;

(iii) To issue an appropriate order/direction in the nature of *Mandamus* directing the Respondents to grant the benefit of Sixth Pay Revision to the petitioner w.e.f. 01.01.2006 in the pay scale of 9,300- 34,800 (PB-2) with grade pay of 4,800/- and pay the arrears arising thereof;

(iv) To issue an appropriate order/direction in the nature of *Mandamus* directing the Respondents to also revise the gratuity and leave encashment payable to the Petitioner pursuant to revision of pension and pay the arrears arising thereof along with interest @ 18% on the delayed payment;



(v) To issue an appropriate order/direction in the nature of *Mandamus* directing the Respondents to forthwith release the arrears of difference of salary payable to the Petitioner in view of the enhancement of pay pursuant to grant of ACP and 6th pay revision along with up-to-date interest @ 18% till the date of actual payment;

(vi) To issue an appropriate order/direction in the nature of *Mandamus* directing the Respondents to forthwith pay up-to-date statutory interest on the delayed payment of the arrears of pension after revision;

(vii) To issue an appropriate order/direction in the nature of *Mandamus* directing the Respondents to produce the service book of the Petitioner;

(viii) To any other relief or reliefs for which the Petitioners are found entitled to in the facts and circumstances of the case.”

5. It is submitted on behalf of the learned counsel for the petitioner that the petitioner joined the services on 16.11.1970 in the Lower Subordinate Education Service (LSES) Cadre on the post of teacher. After serving more than 36 years of service, the petitioner superannuated on 30.06.2007 from the post of Block Education Extension Officer, Dhanarua, Patna on the last pay drawn of Rs.13,500/-. It is further contended that the case of the petitioner is at par with late Anant Kumar Choudhary, who had also joined the SES cadre, like the petitioner on the same date i.e.



on 04.02.1991. Further, it has also been contended that the other persons, junior to the petitioner, have also been granted the benefit of ACP vide order dated 11.09.2008, however, discrimination has been caused and the petitioner has not been granted the similar relief, as has been granted to the other similarly situated persons, as has been mentioned in para 8 and 9 of the writ application.

6. Learned counsel for the State seeks time to respond in the matter.

7. In view of the assertions made on behalf of the learned counsel for the petitioner in para 8 and 9 of the writ application, the present writ application is disposed of with a direction to the Director, Primary Education, Government of Bihar, Patna (respondent no.4) to consider the grievance of the petitioner in view of the statements made in para 8 and 9 of the writ application and if the case of the petitioner is found similar to case of late Anant Kumar Choudhary and others (juniors to the petitioner), the same benefit would be granted to the petitioner in accordance with law and all the consequential benefits would be extended to the petitioner at the earliest, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.



8. With the aforesaid observations, the present writ application stands disposed of.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.11.2022
Transmission Date	NA

