

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7515 of 2020

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Biresh Kumar Singh, Son of Late Rajeshwar Singh, resident of Village-Kunwarpur, Chintamanpur Halt Station, Motihari, P.S. Motihari, District- East Champaran at Motihari, presently posted as Lower Division Clerk, Public Health Division, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Joint Secretary, General Administration Department, Government of Bihar, Patna.
4. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
5. The Engineer-in-Chief-cum-Additional Secretary-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
6. The Superintending Engineer, Public Health Engineering Circle, Motihari.
7. The Executive Engineer, Public Health Division, Motihari.
8. The Accountant General (A & E), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
		Mr. Abhinav Shandilya, Advocate
For the Respondent/s	:	Mr. Ajay Kumar, AC to G.P.-4

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 03-01-2022

Heard learned counsel for the parties.

2. In the instant petition, the petitioner has prayed for the following reliefs:

“(I) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the Respondent no.7 to produce on the record the letter issued by the Accountant General (A & E), Bihar, Patna contained in memo no. Sa. Pra.-11 / Dal Sankhya -2/17 dated 09.01.2020 whereby and where under the made



objection that in the service book of the petitioner, there is no entry about his passing of Computer Examination and without passing of computer examination, the increment is not payable and on production the same may be quashed by issuance of an appropriate writ in the nature of Certiorari.

(II) For issuance of an appropriate writ in the nature of Certiorari for quashing the office order no.183 dated 08.05.2029 passed by the Respondent no.7 and contained in memo no. 455 dated 08.05.2020 whereby and where under the Respondent no.7 has been pleased to direct the petitioner to submit the certificate of passing of computer examination within a week, failing which the increment is not payable as also the excess payment made on the basis of grant of increment would be recovered.

(III) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the Respondent Authorities to grant and pay the increment since 2018 and onwards which is illegally stopped by the Respondents for no reason whatsoever.

(IV) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. Learned counsel for the respective parties, on instruction, submitted that the petitioner’s grievance is pending consideration before the authority.



4. During the pendency of the present petition, the petitioner is stated to have passed computer competency test and he has also submitted representation.

5. The concerned respondent is hereby directed to take note of the petitioner’s representation and the fact that he has passed the aforesaid test. If it is in accordance with law, the petitioner’s grievance must be redressed within a period of two months from the date of receipt of a copy of this order in passing speaking order.

6. The writ petition stands disposed of.

(P. B. Bajanthri, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.01.2022
Transmission Date	NA

