

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1699 of 2020

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Ram Pravesh Singh son of Late Tulsi Singh, resident of village- Bajaura,
Police Station- Dobhi, District- Gaya, at present posted as Deputy Director,
Bihar Board of Open Schooling and Examination, CNLU, Campus, Mithapur,
Patna-1

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director (Administration)-cum-Additional Secretary, Education
Department, Government of Bihar, Patna
4. The Accountant General, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar, AC to GP-23
For the A.G.	:	Mr. Raj Nandan Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 23-11-2023

Heard learned counsel for the petitioner, learned
counsel for the Accountant General and learned counsel for the
State.

2. Learned counsel for the petitioner submits that
the present writ petition has been filed for quashing of the
communication made vide Memo No.1542 dated 23.12.2016
(Annexure-5) in which decision has been taken to grant of
second MACP in the light of absence of the option is not lawful.
Counsel for the petitioner submits that the said letter Annexure-



5 has been issued in gross violation of Fundamental Rule 22(1) (A)(1) and, particularly, in the light of non-fulfillment of own direction made by the respondent-State in the light of Annexure-A filed by the Accountant General in which it is indicated that the description about option has to be made in the order/notification itself. Counsel submits that in the reply of the pleadings made by the Accountant General, a clarification has been sought for by the Accountant General from the State Government Annexure-9, i.e., letter No.CC No.0061/2023-2024 dated 25.08.2023 written from the office of Principal Accountant General (A& E), Bihar, Patna, to the Director (Administration)-cum-Additional Secretary, Education Department, Government of Bihar, in which it has been indicated that it is the department who has to take decision with regard to 'pay anomaly' and 'step up of pay'. When the specific query has been made by this Court from the State, the counsel for the State started seeking time to file counter affidavit in the light of the response of the department in Annexure-9.

3. Learned counsel for the Accountant General submits that since the dispute has to be decided at the level of the department, therefore, the letter dated 25.08.2023 has been issued in the Education Department.



4. In this view of the matter, this Court directs the Director (Administration)-cum-Additional Secretary, Education Department, Government of Bihar, Patna (respondent No.3) that he shall take a decision on Annexure-9 within six weeks from the date of production of a copy of this order with a view to remove the pay anomaly/step up of pay dispute of the petitioner. If petitioner has still grievances from the decision made by the Director, he shall be at liberty to challenge the same before the appropriate forum. Accordingly, this writ petition is disposed of.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.11.2023
Transmission Date	

