

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14953 of 2023

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Sushil Kumar son of Late Rajdeo Prasad, Resident of 303, Aditya Homes
Anandpuri, Police Station-Sri Krishnapuri, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Agriculture Department,
Government of Bihar, Patna.
2. The Secretary, Agriculture Department, Government of Bihar, Patna.
3. The Joint Director (Chemistry), Soil Testing Laboratory, Mithapur Farm
Area, Bihar, Patna.
4. The Under Secretary, Agriculture Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate
For the Respondent/s : Mr. Anant Prasad Singh (SC- 15)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 06-11-2023

Heard Mr. Anand Kumar Ojha, learned counsel
appearing on behalf of the petitioner and Mr. Anant Prasad
Singh, learned SC-15 for the State.

2. Petitioner is claiming parity with the case of one
similarly situated employee, namely, Ram Yash Sah (CWJC No.
3416 of 2020), who was also employee of erstwhile Bihar State
Agriculture Marketing Board and was taken into regular
establishment of the Building Construction Department,
Government of Bihar. The authority concerned had taken into
consideration the total period of service served by him in
erstwhile Bihar State Agriculture Marketing Board, as well as,



period served in the concerned department. In these backgrounds, learned counsel refers to the impugned order contained in Memo No. 2414 dated 24.04.2023 in respect of petitioner and submits that the petitioner has been discriminated as he has been denied the benefit of unutilised leave, which partakes the form of salary.

3. The erstwhile Bihar State Agricultural Marketing Board was dissolved after enforcement of Bihar Agricultural Produce Market (Repeal) Act 2006 w.e.f. 01.09.2006. After dissolution of the erstwhile Marketing Board the petitioner was absorbed on the post of Block Panchayati Raj Officer in the Panchayati Raj Department Government of Bihar w.e.f. 02.09.2008 in view of the Section 6 of the Bihar Agricultural Produce Market Repeal Act, 2006.

4. Considering the above discussion of this Court in case of Ram Yash Sah vs. the State of Bihar (CWJC No. 3416 of 2020), the petitioner's case being identical, he is also entitled for grant of similar relief in accordance with law. Order contained in Memo No. 2414 dated 24.04.2023 (Annexure-P/13) is made inoperative to the extent the benefit of earned leave has not been granted to the petitioner.

5. The concerned authorities are directed to



reconsider the claim of the petitioner for his entitlement to receive earned leave in accordance with law and judgment passed in CWJC No. 3416 of 2020, in case, the case of the petitioner is not identical, reasons must be assigned considering the provision of the Bihar Service Code, 1952, as well as, the relief, which has been granted to the similarly situated employee, namely, Ram Yash Sah, who was employee of the erstwhile Bihar State Agriculture Marketing Board and had been taken into regular establishment of the Building Construction Department, Government of Bihar.

6. The above exercise is directed to be completed within a period of six weeks from the date of communication of this order. If the petitioner is entitled for unutilised leave, the same be paid to him within the aforesaid period along with the statutory interest on account of delay in making payment.

7. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

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

