IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7423 of 2021

Meghlal Yadav Son of Late Hargauri Yadav resident of village- Nonia, P.O.- Bharoganj, P.S.- Chandav, District- Banka

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Bihar, Patna
2. The Principal Secretary, General Administration Department
3. The District Magistrate, Banka
4. The Block Development Officer, Belhar, (Banka)
5. The Block panchayati Raj Officer, Belhar, (Banka)
6. The Accountant General Bihar, Patna

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 24-09-2024

Heard Mr. Manoj Kumar Sinha, learned Advocate for the petitioner and Mr. Manoj Kumar, learned Advocate for the State.

2. The petitioner by invoking the prerogative writ jurisdiction of this Court seeking a direction upon the respondents to ensure payment of all the post retiral benefits, including the benefits of pay revision. The petitioner also sought for a direction upon the respondents to exempt the petitioner from passing the Computer Efficiency Test and ensure the consequential benefits.

3. Adverting to the averments made in the writ petition, learned Advocate for the petitioner primarily contended that so far the first and second grievance of the petitioner to the extent of payment of retiral benefits and other dues along with benefit of pay revision are concerned, the same has already been accorded to the petitioner. The petitioner is only aggrieved with respect to inaction of the official respondents, who have not considered the prayer of the petitioner for exemption from passing Computer Efficiency Test.

4. It is contended that the petitioner was duly appointed to the post of Panchayat Sewak vide Memo No. 1031 dated 04.11.1999, in the pay scale of 3200-85-4900. On being appointed, the petitioner appeared in the Hindi Noting and Drafting Examination and having been successful, the petitioner has been allowed the monetary benefit with effect from 26.12.2000. It is further contended that the petitioner has also appeared thrice in Computer Efficiency Test, but unfortunately he could not succeeded and thereafter, no further Test has been conducted prior to his superannuation. Thus, in the light of the Notification No. 3127 dated 06.03.2018, issued by the General Administration Department, Bihar, Patna, the petitioner submitted an application for exempting him to pass Computer

Efficiency Test and to ensure consequential benefits.

5. Drawing the attention of this Court to Clause-4 of the aforenoted notification, it is urged that the case of the petitioner is fit for exemption, as despite his best efforts, he could not pass the Computer Efficiency Test and after completion of his 50 years, no examination for computer efficiency test has ever been conducted. A representation has also been brought on record by way of Annexure-6 to the writ petition, and referring thereto, learned Advocate for the petitioner also contended that for the first time, the petitioner has filed his representation for exemption of passing computer efficiency test way back on 01.11.2019, and as such, in any circumstances, the claim of the petitioner ought to be considered and necessary order must be passed.

6. Learned Advocate for the State countering the aforenoted submissions contended that no such application dated 01.11.2019 has been brought on record nor there is any averments made in the writ petition that the petitioner has ever filed any application on 01.11.2019 for exempting him to appear in Computer Efficiency Test. The application, which has brought on record (Annexure-6) is of 12.10.2020, i.e., much after the date of superannuation. The government notification

clearly suggest that the order for exemption shall be passed with effect from the date of the filing of the application for exemption and thus, the claim of the petitioner does not find any merit.

7. Having heard the rival contentions of the learned Advocate for the respective parties and taking note of the contents of the representation filed on behalf of the petitioner that for the first time, the petitioner has submitted his application on 01.11.2019 for exempting him to pass Computer Efficiency Test; however, the copy of the same has not been brought on record; this Court, for the ends of justice, dispose off the writ petition with a liberty to the petitioner to place earlier application dated 01.11.2019 along with other materials before the Block Development Officer, Belhar, Banka, preferably within a period of four weeks.

8. In case the petitioner is able to bring on record the application dated 01.11.2019 before the respondent no. 4, he would be obliged to consider the claim of the petitioner, after verification of the record for exempting the petitioner from passing the Computer Efficiency Test. The entire exercise must be completed preferably within a period of twelve weeks, thereafter.

9. The writ petition stands disposed off with the aforesaid liberty.

10. Suffice it to say that if the case of the petitioner finds favour, necessary consequential order shall be passed.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.09.2024
Transmission Date	NA