

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7407 of 2023

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Munmun Ghosal Wife of Late Ajay Kumar Ghosal, Resident of Tilkamanjhi,
near Shashi School of Commerce, P.S. Tilkamanjhi, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The Commissioner, Bhagalpur Region, Bhagalpur.
3. The Treasury Officer, Bhagalpur.
4. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate
For the Respondent/s : Mr.Manish Kumar (GP 4)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 28-11-2024

Heard Mr. Swapnil Kumar Singh, learned counsel
appearing on behalf of the petitioner and learned GP 4 for the
State.

2. The petitioner in paragraph no. 1 of the present
writ petition has sought inter alia following relief(s), which is
reproduced hereinafter:

"(I) To pay the husband of the petitioner
the benefit of the 2nd time bound promotion which
has not at all been paid to the husband of the
petitioner due to non-availability of character
certificate which was under consideration of
department screening committee dated 21.11.2019.

(ii) For payment of revised pension
together with the arrears thereof on the basis of 5th
and 6th pay revision.



(iii) For payment of correct Group Insurance amount.

(iv) For payment of due annual increments which was arises after granting of assured progression scheme with resultant arrears of different of salary.

(v) For payment of other dues admissible to him including TA educational tour bills etc.

(vi) For payment of the statutory as well as penal interest over the amount due.

(vii) For any other relief or reliefs as the Hon'ble Court may deem fit and proper."

3. Petitioner is aggrieved by non-consideration of her detailed representation in light of Clause 4 C (1) of the Bihar State Litigation Policy, 2011 and the judgment passed by the Apex Court in **S.L.P. No. 8219-8226 of 2019 (Amresh Kumar Singh & Ors. ETC. vs. The State of Bihar & Ors. Etc.)**, as well as, the government notification complied with the law laid down by the Apex Court as contained in Letter No. 3A-Muka.-136/2019 dated 28.02.2024. The Commissioner, Bhagalpur Region, Bhagalpur, for the reason best known to him, is sitting tight over the representation of the petitioner.

4. Learned counsel appearing on behalf of the State informs that the matter can well be considered by the the Commissioner, Bhagalpur Region, Bhagalpur, in light of the law laid down by the Apex Court in case of **Amresh Kumar Singh** (Supra) and in light of Clause 4 C (1) of the Bihar State



Litigation Policy, 2011 for considering to grant relief as prayed for in the present writ petition to the petitioner.

5. Considering the rival submissions made on behalf of the parties, as well as, the admitted fact that the case of the petitioner is covered by the judgment passed by the Apex Court in case of **Amresh Kumar Singh (Supra)**, the petitioner is directed to file fresh detailed representation before the Commissioner, Bhagalpur Region, Bhagalpur.

6. The Commissioner, Bhagalpur Region, Bhagalpur, is directed to call for the service particulars of the petitioner and take a conscious decision in respect of the relief as prayed for in the present writ petition so that the petitioner must not be discriminated for having not her case being considered for a long period of time in spite of the specific legislation of the State Government in respect of the Bihar Litigation Policy, 2011 for disposal of such matters, which require no further litigation.

7. The Commissioner, Bhagalpur Region, Bhagalpur, in case, finds that any document is required from the petitioner, the petitioner should be given due opportunity to provide the same and, in case, he finds that the case of the petitioner is not similar to the other employees, in whose cases,



the Hon'ble Supreme Court has laid down the law in case of **Amresh Kumar Singh** (Supra), then, after providing due opportunity of hearing to the petitioner, a conscious decision is required to be taken by him in accordance with law giving reason, as to why, the case of the petitioner is not covered by the **Amresh Kumar Singh** (Supra) and don't required to be considered in light of Bihar Litigation Policy, 2011.

8. With above observations/directions, the present writ petition is disposed of.

(Purnendu Singh, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2024
Transmission Date	NA

