

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19341 of 2012

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Raghu Nath Ghosh Son Of Shyama Nath Ghosh Resident Of Raja
Shivchandra Banerjee Road, Adampur, P.S, Adampur, District - Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar, through Principal Secretary, Science and Technology Department, New Secretariat Vikash Bhawan, Patna.
2. The Director, Science And Technology Department, New Secretariat, Bikash Bhawan, Patna
3. The Principal, Bhagalpur Engineering College, Bhagalpur
4. Principal Secretary, Finance Department, Old Secretariat, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shivendra Kishore, Sr. Advocate Mr. Saroj Kumar, Advocate Mr. Dilip Kumar, Advocate
For the Respondent/s	:	Mr. R.P.N. Tiwari, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

8 14-05-2024 Heard Mr. Shivendra Kishore, learned senior counsel

assisted by Mr. Saroj Kumar, learned counsel appearing on

behalf of the petitioner and Mr. R.P.N. Tiwari, learned AC to

learned SC-25 for the respondent/s.

2. The petitioner has prayed for following relief(s) in

paragraph no. 1 of the writ petition:

*"1. That by this petition petitioner prays for
direction on Respondents to consider the case of petitioner
for regular promotion till post of Forman from the due date
and to provide benefit of A C P Scheme, and to give to
consequential benefits of the same;*

*And/or to provide the petitioner at least two
Promotional scheme from due date with consequential
benefits;*

*Taking into account that petitioner has not been
provided any higher pay scale, since 09.01.1986 date, i.e.
over period of 27 years."*



3. Clarifying the relief(s) sought for in the present writ petition, Mr. Shivendra Kishore, learned senior counsel appearing on behalf of the petitioner submitted that the petitioner's relief is two fold to grant him promotion in appropriate time scale for the post of 'Forman' in Bhagalpur Engineering College, Bhagalpur, which is under Science and Technology Department, Government of Bihar considering the case of one Nand Kishore Shukla, who had filed CWJC No. 6592 of 2004 and this Court, considering the case of the petitioner, as well as, the fact that the Muzaffarpur Institute of Technology is also a government college and has direct control of Science and Technology Department, Government of Bihar and taking into consideration the ratio laid down by this Court in Nand Kishore Sharma in which this Court has passed a detailed order dated 23.08.2012 in CWJC No. 6409 of 2006 or in alternative, the petitioner seeks for grant of financial upgradation as per the terms and conditions of Assured Career Progression (A.C.P.) Scheme, 2003 and Modified Assured Career Progression Scheme (M.A.C.Ps.) considering the fact that first time bound promotion was granted to the petitioner with effect from 03.01.1996. He further informs that petitioner has retired on 31.01.2016, during the pendency of the present



writ petition. The petitioner comes under the category of teaching staff and in this regard, he has relied upon a judgment of this Court dated 02.11.1995 passed in CWJC No. 7160 of 1991.

4. Learned senior counsel in above background and admitted facts, which have not been denied in the counter affidavit, seeks to file detailed representation before the Director, Science and Technology Department, Government of Bihar for considering his case in equal terms as has been done in case of Nand Kishore Sharma (CWJC No. 6409 of 2006) and Nand Kishore Shukla (CWJC No. 6592 of 2004).

5. Considering the limited relief sought by the petitioner, the Director, Science and Technology Department, Government of Bihar, is directed to dispose of the representation of the petitioner within a period of six weeks from the date of communication of this order, considering the fact that the present writ petition is pending since 2012 and the petitioner has retired on 31.01.2016, during the pendency of the writ petition.

6. The Calculation of retiral benefit and pension if petitioner is entitled for the relief as recorded in this order, the same be granted to him after calculating the difference of salary/ financial benefit within the aforesaid period in light of ratio laid



down in Nand Kishore Sharma (Supra).

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

(Purnendu Singh, J)

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