

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19097 of 2024

Vijay Kumar, Son of Binda Prasad Verma, Resident of Village – Rahimapur,
Police Station- Bidupur, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Bihar, Patna.
3. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
4. The Directorate, I.C.D.S. Bihar, Patna.
5. The Director, I.C.D.S., Bihar, Patna.
6. The District Magistrate, Sharan at Chapra
7. The District Magistrate, Muzaffarpur, Bihar.
8. The Accountant General A & E, Bihar, Birchand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anand Kumar Mishra, Advocate Mrs. Manisha, Advocate
For the State	:	Mr. Kumar Alok, SC-7
For the A.G.	:	Mr. Arun Kumar Arun, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-12-2024 Heard Mr. Anand Kumar Mishra, learned Advocate

for the petitioner and Mr. Kumar Alok, learned Standing

Counsel No. 7. The Accountant General, Bihar is represented by

Mr. Arun Kumar Arun, learned Advocate.

2. The petitioner has invoked the jurisdiction of this

Court seeking a direction upon the respondents concerned to

ensure salary for the period of 01.10.2001 to 01.10.2006, during

which the petitioner has been retrenched from the non formal



education program, as it was closed by the State of Bihar. The petitioner also sought a direction upon the concerned respondents to consider the services of the petitioner in continuation from 12.02.1986 to 13.09.2013 and to provide the benefit of ACP/MACP as has been granted to the other similarly situated persons.

3. Heavy reliance has been placed on Annexure 5 to the writ petition, whereby under Right to Information Act one of the person has received information that some of the retrenched employee have been allowed the salary for the period of retrenchment, pursuant to the direction of the different Bench of the Hon'ble Court. Based upon the aforesaid letter, the petitioner has prayed for salary of the period of retrenchment.

4. The contention of the petitioner has been outrightly countered by the learned Advocate for the State on two grounds; it is vehemently contended that the writ petition is ought to be dismissed on account of delay and laches for the simple reason that the petitioner has prayed for the salary of the retrenched period for the period 01.10.2001 to 01.10.2006, after attaining his superannuation, way back in the year 2013 itself. It is also contended that so far the other employees are concerned, they have preferred the writ petition in the year 2002 and 2003



and thereafter, they preferred contempt petition and later on, they have been allowed the salary for certain periods. However, he submits that before seeking a writ in the nature of mandamus, the petitioner has not even approached before the competent authority for the redressal of his grievance.

5. This Court finds substance in the submission of the learned Advocate for the State. In view thereof, the present writ petition stands disposed off with a liberty to the petitioner to approach before the respondent no. 2, by filing an appropriate representation with the grievance raised before this Court.

6. In case such a representation is filed preferably within a period of four weeks from today, the concerned respondent shall consider the claim of the petitioner in the light of Annexure 5 and pass appropriate reasoned and speaking order within a further period of twelve weeks.

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

(Harish Kumar, J)

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