

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11812 of 2021**

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Rabindra Singh, Son of Late Bashistha Narayan Singh, Resident of Village-  
Chaumukha, P.S. Arrah Muffasil, Town and District Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Development Commissioner-Cum-Chairman (Executive Committee)  
Bihar Council of Science and Technology, Patna.
3. The Principal Secretary, Department of Science and Technology,  
Government of Bihar Cum Secretary, Bihar Council on Science and  
Technology (Head of the Institutions) Cum Vice Chairman (Executive  
Committee) Bihar Council on Science and Technology, Patna.
4. Principal Secretary, Department of Finance, Bihar, Patna.
5. The Principal Secretary, Department of Public Administration, Bihar, Patna.
6. The Director-Cum-Joint Secretary, BCST and Secretary (Executive  
Committee) Bihar Council on Science and Technology, Government of  
Bihar, Patna.
7. Project Director, Bihar Council of Science and Technology, IGSC,  
Planetarium Campus, Bailey Road, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Prabhas Ranjan, Advocate  
For the Respondent/s : Mr. Ajay, GA- 5

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 27-03-2025**

Heard the parties.

2. The petitioner is aggrieved with the order dated 13.04.2021, as contained in Memo No. B.C.S.T.-211, issued under the signature of the Secretary, Executive Committee, Bihar Council on Science and Technology, Patna (hereinafter referred to as the 'BCST') whereby the date of extending the benefit of 7<sup>th</sup> Pay Commission has been shifted from 01.04.2017 to 01.10.2020. The petitioner also sought quashing of the



order/letter dated 17.06.2021 contained in resolution No. BCST-EST-04/2016-270 issued by the Project Director, Bihar Council on Science and Technology, Patna, whereby the claim of the petitioner for extending the benefit of 7<sup>th</sup> Pay Commission has been negated.

3. Learned Advocate for the petitioner has primarily drawn the attention of this Court to the appointment letter, as contained in Annexure-3, and submitted that the petitioner was duly appointed as Senior Office Assistant by the Project Director of the Bihar Council on Science and Technology, Government of Bihar, Patna with a clear stipulation that he shall be entitled to dearness and others allowances admissible from time to time at par with the State Government employee. The rules regarding employees of the Bihar Council on Science and Technology has been sent to the Department of Personnel and Administrative Reforms and on being found the employees of the BCST at par with the employees of the State Government they have been extended the benefits of 5<sup>th</sup> and 6<sup>th</sup> Pay Revision with effect from the date of their entitlement, as has been granted to other Government employees.

4. After taking this Court through various annexures and the notings of the file, emphasis has been made that the employees of the BCST have also been treated at par with the



employees of the State Government. However, with respect to the benefit of 7<sup>th</sup> Pay Revision Commission discrimination has been caused; the employees of the State Government have been granted the benefits of 7<sup>th</sup> Pay Revision with effect from 01.04.2017 but the employees of the BCST have been allowed the benefit w.e.f 01.10.2020. It has been urged before this Court that the BCST is not an autonomous body and in fact an integral council of the State, hence the denial of the benefit of 7<sup>th</sup> Pay Revision by shifting the date from 01.04.2017 to 01.10.2020 is wholly illegal, arbitrary and fit to be declared unsustainable.

5. Counter affidavit as well as the supplementary counter affidavit have been filed on behalf of respondent nos. 3, 6 and 7.

6. Learned Advocate for the State primarily referring to the resolution No. 3A-2-Ve Pu-09/2016-3590/F dated 24.05.2017 has contended that the revision of pay structure came into effect notionally from 01.01.2016 and the actual payment of the revised scale would be made available w.e.f. 01.04.2017, but the same was only applicable to the employees of the State Government. The petitioner being the employee of the BCST, the same is not applicable to him; moreover the State Government has notified and taken a decision regarding establishment of Council long back on 25.02.1984. In the



meeting of the Council held on 05.06.1984, a Memorandum of Association was adopted. Accordingly, the Council has formally registered as an autonomous body under the Societies Registration Act, 1860. The affairs of the Council is governed by the Executive Committee and whose decision is binding on the employees of the BCST. The employees of the BCST are getting the benefits of EPFO and the services of the BCST are not pensionable similar to the State Government employees; and, in fact, the decision of the Executive Committee of the BCST shall be applicable to the petitioner.

7. Learned Advocate for the State has further taken this Court through the averments made in the counter affidavit and submitted that the Executive Committee in its meeting dated 08.02.2020 unanimously resolved that the revised pay scale of Class III and Class IV employees of the BCST, BIRSA and IGSC- Planetarium as per the recommendation of the 7<sup>th</sup> PRC shall be applicable notionally w.e.f. 01.01.2016 and the actual payment of the revised pay structure shall be made available from 01.10.2020 from their respective funds with a condition that the State Government will not bear the financial burden.

8. Since the writ petitioner has already superannuated on 31.01.2019 from the post of Senior Office Assistant, hence



the claim of the petitioner for extending the benefit of 7<sup>th</sup> Pay Revision is not justified and it came to be negated. It is also contended that the notings of the file on which reliance has been placed is an incomplete noting and the said proposal has never attained finality, much less ever culminated into conscious decision by the State Government. It has further been clarified that the BCST gives salary to its employees from its own fund and any revision of pay scale leading to higher salary and its arrears shall be exclusively borne by the BCST. Thus, considering the financial burden, the Council has taken a unanimous decision to extend the benefits of 7<sup>th</sup> Pay Revision w.e.f. 01.10.2020 from its own funds, which is also evident from the minutes of the meeting proceeding of 86<sup>th</sup> Executive Committee of the BCST held on 08.02.2020 which is also marked as Anneuxre-R/1 to the counter affidavit.

9. Having considered the submissions made on behalf of the learned Advocates for the respective parties and after going through the materials available on record, this Court finds that the petitioner has failed to bring any persuasive document in support of his claim that the employees of the BCST are also akin to the employees of the State Government. Copy of the Memorandum of Association, which has been placed on record by filing supplementary counter affidavit left no doubt that the



Council shall be an autonomous institution and in this regard the Government resolution notifying the decision of the State Government regarding the establishment of the Council had already been issued on 25<sup>th</sup> February, 1984 in the first meeting of the Council held in June 1984; the Memorandum of Association was adopted and accordingly the Council has been formally registered as an autonomous body under the Societies Registration Act, 1860.

10. It is the Executive Committee of the BCST who regulates the affairs of the Council and on being authorised under the Memorandum of Association the Executive Committee has taken a unanimous decision on 08.02.2020 to adopt the recommendation of the 7<sup>th</sup> Pay Revision Commission w.e.f. 01.01.2016 but resolved to extend the benefit of revised pay structure w.e.f. 01.10.2020 from its own funds and resources with a clear stipulation that the State Government will not bear the financial burden. Mere extending any benefit of Pay Revision at par with the employees of the State Government by the Council, who is having autonomous entity, in no circumstances, ruled that the employees of the Council shall be treated as the employees of the State Government.

11. So far the reliance of the petitioner on the notings of the file is concerned, the same has no legal sanctity unless a



final decision has been taken based upon such noting. This issue has already been clarified in the case of ***Bachhittar Singh Vs. State of Punjab & Anr. [AIR 1963 SC 395]***, wherein the Court held that the notings in the note file do not have behind them the sanction of law as an effective order. The aforesaid proposition of law has further been reiterated subsequently in the case of ***Union of India & Another vs. Kartick Chandra Mondal & Anr.*** reported in ***[(2010) 2 SCC 422]***. It would be worth benefiting to encapsulate the relevant paragraph hereinbelow:

“18. An order would be deemed to be a government order as and when it is issued and publicised. Internal communications while processing a matter cannot be said to be orders issued by the competent authority unless they are issued in accordance with law. In this regard, reliance may be placed on the decision of this Court in *State of Bihar v. Kripalu Shankar* [(1987) 3 SCC 34, wherein this Court observed, in para 16 and 17, as follows:

“16. Viewed in this light, can it be said that what is contained in a notes file can ever be made the basis of an action either in contempt or in defamation. *The notings in a notes file do not have behind them the*



*sanction of law as an effective order.  
It is only an expression of a feeling  
by the officer concerned on the  
subject under review. x x x”*

12. It is also made clear that the Council having autonomous in nature is free to take a decision to accept the recommendation of the Pay Revision Commission with effect from the date fixed by them considering their financial capacity and stability once the benefit is to be extended from the internal resources.

13. In view of the aforesaid facts, circumstances and the proposition of law, this Court does not find any merit in the present writ petition. Accordingly, the writ petition stands dismissed.

**(Harish Kumar, J)**

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