

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9729 of 2025

Basuki Nath Yadav S/o Damodar Yadav, R/o Vill- Diwari, P.O.- Kabaria, P.S.-
Sadar Darbhanga, Dist- Darbhanga, Bihar- 846009, Worked as Assistant
Resource person, Dist- Saran at Chapra.

... .. Petitioner/s

Versus

1. Bihar Education Project Council Shiksha Bhawan, Rastrabhasa Parishad, Saidpur, Rajendra Nagar, Patna- 800004 (Bihar) through the State Project Director.
2. The State Project Director, Bihar Education Project Council, Shiksha Bhawan, Rastrabhasa Parisar, Saidpur, Patna.
3. The District Programme Officer, Bihar Education Project, Saran, Bihar.
4. Administrative Officer, Bihar Education Project Council, Shiksha Bhawan, Rastrabhasa Parisar, Saidpur, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar, Adv.
For the BEPC : Mr.Girijish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 11-09-2025 Heard Mr. Dhananjay Kumar, learned counsel for the

petitioner and Mr. Girijesh Kumar, learned counsel for Bihar

Education Project Council, Bihar.

2. The present writ petition has been filed for the
following relief(s):-

*“a.) To issue an appropriate writ in
the nature of certiorari quashing letter
number MGT-242/2009-10/206810 dated
21.02.2025 (Annexure-P11) issued under
signature of Administrative officer, Bihar
Education Project Council whereby and
whereunder petitioner's representation for*



gratuity has been denied by administrative officer, Bihar Education Project Council.

b.) To issue an appropriate writ in the nature of mandamus commanding the respondents to grant the benefits of Earned leaves, Employee provident Fund (EPF), Gratuity, Pension to the petitioner as per rules of Bihar Education Project Service Regulation 1994

c.) To issue an appropriate writ in the nature of mandamus commanding the respondents to grant the benefits of annual increments as per rules of Bihar Education Project Service Regulation as petitioner was entitled for and granted to similarly situated employees and petitioner be granted, consequential arrears of annual increment.

d.) Pass any other or further order as this Hon'ble Court may deem fit and proper in the interest of justice.

3. Learned counsel for the petitioner submits that petitioner was given appointment *vide* letter bearing SPD/1304 dated 20.05.1998 issued under the signature of State Project Director, Bihar Education Project Council, Bihar and pursuant thereto he submitted his joining on 03.08.1998 as Assistant Resource Person. Petitioner's contract was extended from time



to time and he got terminated *vide* letter no. 3184 dated 29.07.2024 after having served in the said establishment for about 26 years as Assistant Resource Person and during entire service career no complaint of any kind was ever raised by his employer and further on termination of contract no objection certificate dated 18.02.2025 issued under the signature of his controlling authority being Respondent No.3 was also issued in his favour. It has next been submitted by the petitioner that despite successfully having served in the said establishment, no payment with regard to gratuity and earned leave was made in respect of this petitioner.

4. It has also been submitted that the similar issue has already been set at rest by the Co-ordinate Bench of this Hon'ble Court in the case of *Anil Kishore Singh Rasik v. The State of Bihar & Ors* passed in *CWJC No.5359 of 2022* (Annexure P/8 of the writ petition). By referring to the said judgment, the petitioner is said to have filed a representation before the concerned respondents which has been rejected by the respondents (Annexure-P/11) contending therein that there is an amendment made in the Rules being Bihar Education Project Council Rules, 2010, which according to the petitioner is not applicable because they were in service since 1998 and his case



was required to be considered in terms of the extant Rules, which is protected under the amended Rules. This aspect of the matter has not been considered in the case of this petitioner, which is apparent from the impugned order dated 21.02.2025 (Annexure-P/11) .

5. On the other hand, learned counsel representing Bihar Education Project Council, Bihar does not dispute the legal position and the judgment rendered by the Co-ordinate Bench of this Court and the representation, which the petitioner proposes to file in terms of the aforementioned judgment of the Co-ordinate Bench can well be addressed in accordance with law by the authorities concerned, if it is found to fall within the parameters of ratio laid down in the aforementioned case.

6. Considering the aforesaid submissions of the parties, this Court finds that the reasons of rejection of the representation of the petitioner which has been appended as Annexure-P/11 does not speak of the consideration so submitted by the petitioner insofar it has been contended that the petitioner was appointed in 1998 and the amendment which has come in the year 2010 cannot be made applicable because rights vested in favour of any employee by virtue of the rules prevailing at the time of appointment cannot be taken away unless amended rules



specifically provides withdrawal of certain rights with retrospective effect, covering the period when such appointment is said to have been made in favour of the petitioner. Since, legal position as raised has not been addressed by the authorities, the impugned order, which is assailed by this petitioner, is set aside and accordingly remanded back for fresh consideration in the light of the judgment rendered by the Co-ordinate Bench of this Court referred hereinabove and the legal position raised in this case.

7. It is expected from the authority that the entire exercise shall be concluded within a period of two months from the date of submission of such representation and the benefits if accrues to this petitioner shall also be extended within a further period of four weeks from the date of such adjudication.

(Ajit Kumar, J)

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