

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18283 of 2022

=====

Bharat Bhushan Son of Late Shyam Kishore Choudhary, Resident of Village and P.O. - Rupauli, P.S.- Musrigharari, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Education Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Regional Deputy Director (Education), Munger Division, Munger.
4. The District Education Officer, Begusarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Respondent/s : Mr. Kameshwar Kumar (GP- 17)

=====

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

5 25-06-2025 Heard learned counsel for the parties.

2. By means of this writ petition, the petitioner has put to challenge the letter no. 775, dated 07.07.2022 (Annexure-9), written to the petitioner by the Regional Deputy Director (Education), Munger Division, Munger, whereby it has been conveyed that the prayer of the petitioner for his notional pay fixation with effect from 10.06.2008, in terms of order dated 28.11.2018, passed in C.W.J.C. No. 7545 of 2015, has been rejected.

3. The basis of the claim of the petitioner, who is an L.D.C. in the department of Education, for notional fixation of his pay with effect from 10.06.2008 is the order dated



28.11.2018, passed in C.W.J.C. No. 7545 of 2015.

4. The operative part of the order dated 28.11.2018, passed in C.W.J.C. No. 7545 of 2015 is quoted hereinbelow for ready reference:

“4. Considering the totality of the facts situation, no indulgence can be granted to the petitioner for payment of salary for the period prior to the date of appointment. However, in order to balance the equity, it would be appropriate that the benefit of seniority shall be granted to the petitioner from the date similarly circumstances two others, recommended along with the petitioner on 08.05.2008, have been appointed on compassionate ground. The respondents are directed to work out the entitlement of the seniority of the petitioner w.e.f. 10.06.2008. Except seniority, no other benefit is available to the petitioner, who was appointed on 29.04.2010.”

5. Perusal of the directions passed in C.W.J.C. No. 7545 of 2015, as extracted hereinabove, would go to show that the respondents have been directed to work out the entitlement of the seniority of the petitioner with effect from 10.06.2008. Having directed as above, it has been further clarified in the said order itself that except seniority, no other benefit shall be available to the petitioner, who was appointed on 29.04.2010.

6. Thus, the direction given by this Court in C.W.J.C.



No. 7545 of 2015 leaves no room for doubt that though the petitioner's seniority in the post of LDC would be counted with effect from 10.06.2008, who himself was appointed on 29.04.2010, the petitioner would not be entitled to any other benefit other than the seniority in the post of LDC with effect from 10.06.2008.

7. In that view of the matter, I am of the view that the respondent authorities vide impugned letter no. 775, dated 07.07.2022 has not committed any error in denying the petitioner's prayer for notional fixation of his pay with effect from 10.06.2008.

8. Accordingly, the writ petition is dismissed.

(Nani Tagia, J)

Amrendra/-

U			
---	--	--	--

