

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7516 of 2011**

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YOGENDRA PRASAD CHAUDHARY S/O Late Rajeev Nayan Chaudhary  
Resident Of Bakhtiyarpur, South Of Middle School, P.S. Bakhtiyarpur,  
District Bakhtiyarpur, Presently Working As Store Accountant, Secretariat  
Press, Gulzarbagh, P.S. Alamganj, Distt. Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Principal Secretary, Finance Department, Government Of Bihar, Patna.
3. The Deputy Secretary Press, Finance Department, Government Of Bihar, Patna.
4. The Superintendent, Secretariat Press, Gulzarbagh, Patna.

... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 19166 of 2017**

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Yogendra Prasad Choudhary S/o Late Rajiv Nayan Choudhary, resident of  
Mohalla- Bakhtiyarpur, South of middle School, P.S.- Bakhtiyarpur, District-  
Patna, presently residing at Government Press Quarter No. 8, Alamganj thana  
campus, P.S.- Alamganj, District- Patna- 7.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The Deputy Secretary, Department of Finance, Government of Bihar, Patna.
4. The Director Press, Printing and Stationary, Department of Finance Government of Bihar, Patna.
5. The Superintendant, Bihar Secretariat Press, Gulzarbagh, Patna- 7.

... .. Respondent/s

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**Appearance :**

(In Civil Writ Jurisdiction Case No. 7516 of 2011)

For the Petitioner/s : Mr.Lakmesh Marvind, Advocate  
Mr.Lal Babu Singh

For the Respondent/s : Mr. Kamlesh Kishore, AC to SC-12

(In Civil Writ Jurisdiction Case No. 19166 of 2017)

For the Petitioner/s : Mr.Lakmesh Marvind, Advocate

For the Respondent/s : Mr. Naman Nayak, AC to ex- AAG-10

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**



**Date : 21-04-2025**

Heard learned counsel for the petitioner and learned counsel for the State in both the cases.

2. CWJC No. 7516 of 2011 has been filed seeking a direction to the respondents to grant promotion to the petitioner to the post of Senior Selection Grade along with consequential monetary benefits w.e.f. the date on which juniors to the petitioner were granted such promotion. Further prayer has been made for grant of pay revision and corresponding monetary benefits w.e.f. 01.01.1996.

3. Learned counsel for the petitioner submits that a representation dated 08.06.2010 (Annexure-8 to the writ petition) was filed before the Principal Secretary, Finance Department, Bihar, raising the aforesaid grievance. However, no decision has been taken thereon till date. It is also submitted that the petitioner retired from service in the year 2024 during the pendency of this writ petition.

4. It is further submitted that the petitioner has also filed CWJC No. 19166 of 2017 challenging Letter No. 1431 dated 16.08.2012, Letter No. 392 dated 19.02.2013, and Letter No. 906 dated 25.07.2017, on the ground that the petitioner's pay scale of Rs. 1400–2300 w.e.f. 14.10.1988 was arbitrarily



disturbed, and an allegation was made that the petitioner had withdrawn excess salary of Rs. 1,16,568/- based on the pay scale of Rs. 4500–7000 w.e.f. 01.02.2000.

5. Learned counsel for the petitioner emphasizes that the most relevant document is Annexure-13 to the supplementary affidavit filed in CWJC No. 7516 of 2011 (at running page 56), being Memo No. 6840 dated 15.12.2005 issued by the Deputy Secretary to the Government, Department of Finance, Government of Bihar, Patna. As per the said memo, time-bound promotions were granted to similarly situated employees of Secretariat Press, Gulzarbagh, Patna. It is argued that if the said memo is protected and implemented, the petitioner shall be entitled to the benefits claimed.

6. Learned counsel for the State submits that decisions were taken in accordance with Memo No. 4178 dated 12.08.1992 issued by the Finance Department, Government of Bihar and the memo forms the basis of the actions taken against the petitioner, which are legally sustainable.

7. Upon consideration of the submissions, it appears that for just adjudication of the matter, the Court must examine the applicability and effect of two documents:  
(i) Annexure-13 to the supplementary affidavit filed in CWJC



No. 7516 of 2011 being Memo No. 6840 dated 15.12.2005; and  
(ii) Annexure-D to the supplementary counter affidavit in CWJC  
No.7516 of 2011 (Memo No. 4178 dated 12.08.1992).

8. Upon going through Annexure-D to the supplementary counter affidavit in CWJC No.7516 of 2011 (Memo No. 4178 dated 12.08.1992), it transpires that it is a general instruction addressed to all departmental Secretaries, whereas Memo No. 6840 dated 15.12.2005 is a specific order issued in compliance with the judgment in CWJC No. 6312 of 1991 and pertains specifically to employees of the Secretariat Press, Gulzarbagh, Patna.

9. In light of the fact that the petitioner is an employee of the Secretariat Press, Gulzarbagh, Patna, this Court is of the view that where there exists a general order and a specific order, the specific order must prevail. Accordingly, the respondents are duty-bound to give effect to Memo No. 6840 dated 15.12.2005.

10. In view of the above, both writ petitions are disposed off with liberty to the petitioner to file a consolidated representation before the Principal Secretary, Finance Department, Government of Bihar, within 30 days from today, raising all grievances mentioned in both the writ petitions.



11. The Principal Secretary, Finance Department, Government of Bihar is directed to consider and dispose of the petitioner’s representation by passing a reasoned and speaking order, strictly in accordance with law and keeping in mind the observations made herein, particularly the applicability of the special order contained in Memo No. 6840 dated 15.12.2005, within a period of 90 days from the date of filing of the representation along with a copy of this order.

**(Dr. Anshuman, J)**

Ashwini/-

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| AFR/NAFR          |            |
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