

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1085 of 2024

In
Civil Writ Jurisdiction Case No.1939 of 2022

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1. The Bihar State Tourism Development Corporation Limited through the Managing Director, Beer Chand Patel Marg, Patna - 1.
 2. The Managing Director, The Bihar State Tourism Development Corporation Limited, Beer Chand Patel Marg, Patna - 1.

... .. Appellant/s

Versus

1. Ajay Kumar Kashyap S/o Jagat Narayan Singh, Resident of Tourist Complex, Hotel Siddharth Vihar, Near Bank of India, P.O. and P.S. - Bodha Gaya, District- Gaya, Bihar.
2. The State of Bihar through the Principal Secretary cum Chairman, The Bihar State Tourism Development Corporation Limited, Beer Chand Patel Marg, Patna - 1.
3. The Principal Secretary cum Chairman, The Bihar State Tourism Development Corporation Limited Beer Chand Patel Marg, Patna- 1.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. P.K. Shahi, Sr. Advocate Ms. Anukriti Jaipuriyar, Advocate
For the Respondent/s	:	Mr. Ajit Kumar, G.A.-9 Mr. Raju Giri, Sr. Advocate Mr. Harsh Vardhan, Advocate Mr. Samsher Prasad, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 25-02-2025

Re: I.A. No. 01 of 2024

I.A. No. 01 of 2024 has been filed for condoning
the delay of 236 days in preferring this appeal.

2. For the reasons stated in the I.A. No. 01 of



2024, the delay of 236 days in preferring this appeal is condoned.

3. I.A. No. 01 of 2024 stands allowed.

Re: L.P.A. No. 1085 of 2024

4. We have heard Mr. P.K. Shahi, learned Senior Advocate for the Bihar State Tourism Development Corporation Limited and Mr. Raju Giri, learned Senior Advocate for the Respondent No. 1. The State is represented by Mr. Ajit Kumar, learned Government Advocate No. 9.

5. The Respondent No. 1 had approached this Court vide CWJC No. 1939 of 2022 for a direction to the respondents to grant him regular scale of pay, treating his service as regularized with effect from 20.02.2001, with all consequential benefits of Class-III employees of Bihar State Tourism Corporation Limited in the manner in which it was granted to one Jitendra Kumar, Accounts Assistant, pursuant to the judgment and order dated 03.10.2007 passed in LPA No. 6 of 1999, the appeal against which



order, preferred by the Corporation before the Hon'ble Supreme Court, has been dismissed.

6. Mr. P.K. Shahi, learned Senior Advocate has pointed out that though the case filed by Respondent No. 1 was disposed off with the observation that the prayer made in the writ petition would abide by the judgment delivered in LPA No. 6 of 1999, but the appellant therein, namely, Jitendra Kumar was appointed against sanctioned vacant post, whereas the Respondent No. 1 was though appointed against vacant post but which was not sanctioned.

7. Such discrimination, at this stage, when the Respondent No. 1 has served for so many years, as also in the background of the order passed by this Court expressing that the result of the case filed by Respondent No. 1 shall abide by the result of LPA No. 6 of 1999, it would not be appropriate, in our view also, to insist for such distinction in the very nature appointment of the appellant with Jitendra Kumar.



8. Taking these aspects into account, the learned Single Judge has directed the respondent/Corporation to grant regular scale of pay to the Respondent No. 1 attached to Class-III employees of the Corporation.

9. We put our imprimatur to the aforementioned direction passed by the learned Single Judge.

10. The appeal has no merits and the same is dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	27.02.2025
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