IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.606 of 2025
In
Civil Writ Jurisdiction Case No.11812 of 2021

==

Rabindra Singh S/o Late Bashistha Narayan Singh, R/o Vill - Chaumukha, P.s. - Ara Muffasil Town, Dis- Bhojpur.

... ... Appellant

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, Patna cum Vice- Chairman (Executive Committee), Bihar Council on Science and Technology, Patna.
4. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
5. The Principal Secretary, Department of Public Administration Bihar, Patna.
6. The Director-cum-Joint Secretary, BCST and Secretary (Executive Committee), BCST, Patna.
7. The Project Director, BCST, IGSC, Planetarium Campus, Bailey Road, Patna.

... ... Respondent/s

==

Appearance :

For the Appellant/s	:	Mr. Brij Bihari Tiwary, Advocate
For the Respondent/s	:	Mr. Ajay, GA-5
	:	Mr. Pratik Kumar Sinha, AC to GA-5

==

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-06-2026

Heard learned counsel for the appellant and learned counsel for the respondents.

2. The present appeal has been preferred against the judgment and order dated 27.03.2025 passed in C.W.J.C. No. 11812 of 2021 by learned Single Judge whereby the relief

prayed by the appellant in writ petition regarding payment of the Seventh Pay Commission was rejected.

3. We have heard the submissions advanced by the learned counsel for the parties.

4. The appellant assails the order dated 27.03.2025 of the learned Single Judge in C.W.J.C. No. 11512 of 2021, by which the learned Single Judge, *inter alia,* garnering support from a litany of judgments of the Hon'ble Supreme Court observed that the Council, having an autonomous 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. It was further observed that the Court did not find any merit in the writ petition and dismissed it.

5. To comprehend the matter it is essential to put forth a brief summation of the appellant's case. The Government implemented the recommendations of the 7th Pay Commission for all Government employees from 01.04.2017. The appellant was an employee of the Bihar Council on Science and Technology (hereinafter referred to as "B.C.S.T."), having been appointed to the post of Senior Office Assistant, vide the order bearing no. BCST-65 dated 06.03.1990 and superannuated sometime in 2020. Allowances including periodic pay revisions were extended to permanent employees.

6. It is urged by learned counsel for the appellant that the B.C.S.T. is a Government Department and therefore entitled to all pay and allowances including periodic pay revisions extended to Government employees. To fortify this point, learned counsel for the appellant invited the attention of this Court to Memo No. 4533/Patna dated 09.11.1984. The Memo *inter alia* provides that, the posts enumerated in the document will carry "Dearness" and other allowances as admissible from time to time to State Government employees. It is submitted by learned counsel for the appellant that, in the teeth of these two documents (*supra*), the appellant has been deprived of the benefits of the 7th Pay Commission which was implemented for the B.C.S.T. only from 01.10.2020 instead of 01.04.2017, when it was implemented for the rest of the Government Departments depriving the appellant wrongly from its benefits.

7. The appellant has sought the following reliefs:

> "(i) To set aside the order dated 13.04.2021 contained in Memo No. BCST-211 issued by the Secretary, Executive Committee, B.C.S.T, Patna, whereby the date of benefit of 7th Pay Commission was to be effective from 01.10.2020 instead of 01.04.2017.
>
> (ii) To set aside the order/letter dated 17.06.2021 contained in Resolution No.BCST-EST-04/2016-270 dated 17.06.2021 issued by the Project Director, Bihar Council on Science and Technology,

> Patna, denying the benefits of the 7th Pay Commission to the appellant.
>
> (iii) Directing the respondents to pay arrears of retiral benefits/salary from 01.04.2017 to 30.01.2019 to the appellant.”

8. In the next prong of his argument it was urged by learned counsel for the appellant that vide the order of this Court dated 07.08.2009, the 5th and 6th Pay Revision was extended to all employees of the B.C.S.T and hence, on the same lines it may be ordered that the 7th Pay Revision ought also to be extended to the B.C.S.T. from the above date i.e. 01.04.2017.

9. The submissions advanced by learned counsel for the appellant was repudiated by learned counsel for the State, on the ground, that the ‘Resolution’ of the Board of B.C.S.T. itself has allowed the recommendation of the 7th Pay Commission as being applicable from 20.10.2020 instead of 01.04.2017. Before the Board when the appellant had sought quashing of the resolution, it was negated thereto. The appellant has not assailed before this Court the said resolution of the Board. Besides the appellant cannot claim that the B.C.S.T. is a Government Department as it is an autonomous entity and hence, the finding of the learned Single Judge warrants no interference.

10. We have heard counsel for the opposing parties at length. The learned Single Judge in the impugned order has held in Paragraphs 10 and 11 as follows:-

> *"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 7th 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"*

11. It is apposite to mention here that by no stretch of the imagination can it be said that the B.C.S.T. is a Government Department. Although to fortify this point, the appellant had relied on his appointment letter dated 06.03.1990 and Memo No.4533/Patna dated 09.11.1984. In our considered view merely because the latter document provides that the employees of the B.C.S.T. would be entitled to dearness and other allowances as admissible from time to time to State Government employees, it does not tantamount to the B.C.S.T. being a Government Department. In fact, the very words in the memo, which provides that, other allowances as admissible from time to time to the State Government employees would be granted to the B.C.S.T. employees clearly draws a line of distinction between the State Government employees and the B.C.S.T. employees. The appellant also relied on file notings of the B.C.S.T. to establish that in the minutes of 73rd Executive Committee

meeting held on 12.01.2010, to further buttress his case that the B.C.S.T. is a Government Department. It was contended that, in Agenda No.4, it has been directed by the Committee that the provisions of the Bihar Government Servant (Classification, Control and Appeal) Rules as well as the medical reimbursement rules as admissible to the Government employees be applicable to the employees of B.C.S.T.

12. We are not impressed by this argument, merely extending certain Government Rules by the committee for the ease of administration cannot classify the B.C.S.T. or bring it within the purview of a Government Department.

13. We find no error in the observation of the learned Single Judge who placed reliance on the case of **Bachhittar Singh Vs. State of Punjab & Anr.** [AIR 1963 SC 395], wherein the Hon'ble Supreme Court had propounded *inter alia* that notings in the File do not have behind them the sanction of law as an effective order. The learned Single Judge had also relied on the case of **Union of India & Another vs. Kartick Chandra Mondal & Anr.** reported in **(2010) 2 SCC 422**, wherein it was observed that 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.

14. The File notings relied on by the appellant do not have the force of law.

15. To arrive at a conclusion that the B.C.S.T. is a Government Department. The documents on record also reveal that the Council of the B.C.S.T. had taken a unanimous decision to extend the benefits of the 7th Pay Revision with effect from 01.10.2020 and the B.C.S.T. 86th Executive Committee Meeting at Agenda No.3 resolved that the committee approve implementation of revised pay-scale of Class III and IV employees of B.C.S.T., BIRSAC and IGSC-Planetarium as per recommendations of 7th PRC with effect notionally from 01.01.2016 and actual payments of the revised pay structure from 01.10.2020 from their respective funds (Government of India grant and Internal resources) on the condition that the State Government will not bear the financial burden. This establishes two facts;

(i) That the appellant failed to challenge the resolution of the Executive Committee before the Court and,

(ii) The condition that the 7th Pay Commission would be applicable to the B.C.S.T. provided the State Government would not have to bear the financial burden is indicative of the fact that the B.C.S.T. generates its own income from where the burden of the 7th pay Commission was therefore to be borne and discharged.

16. In view of the foregoing discussions and after due consideration of the averments and arguments put forth

before us, we see no reason to interfere with the findings of the learned Single Judge in the impugned judgment dated 27.03.2025, which suffers from no perversity or apparent error of law and is accordingly upheld.

17. The instant LPA stands dismissed and disposed of with the foregoing observations.

(Meenakshi Madan Rai, CJ)

(Soni Shrivastava, J)

anand/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.06.2026
Transmission Date	NA