

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13568 of 2023

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Shashi Bhushan Kumar Singh Son of Kishori Singh Resident of village-
Purab Tola, Bahuara, P.S.- Gaurichak, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Govt. of Bihar, Patna.
2. The Secretary, Art, Culture and Youth Department, Govt. of Bihar, Patna.
3. The Director, Student and Youth Welfare, Art, Culture and Youth
Department, Govt. of Bihar, Patna.
4. The Director General, Bihar State Sports Authority, Patna.
5. The Director-Cum-Secretary, Bihar State Sports Authority, Patna.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prasant Sinha, Adv.
For the State	:	Mr. Sarvesh Kr. Singh, AAG13
		Mr. Abhinav Alok, AC to AAG13
For the AG	:	Mr. Ram Kinker Choubey, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

9 18-03-2026

Re.: I.A. No. 1 of 2026

Counsel for the petitioner submits that the instant interlocutory application has been preferred, challenging the order contained in letter no. 1209 dated 07.08.2023 issued by the Director, Student and Youth Welfare, Art, Culture and Youth Department, Government of Bihar which is appended as Annexure P/12 to the writ petition.

2. The additional prayer, being relevant, is quoted herein below:-

“(i) For issuance of writ in the nature of



certiorari for quashing of letter no. 1209 dated 07-08-2023 issued by the Director, Student and Youth Welfare, Art, Culture and Youth Department, Govt. of Bihar (Annexure-P/12 to the writ application) whereby on the representation made by the petitioner, it has been communicated by the Director that the employees absorbed in the Authority are not being paid with the benefit of pension and gratuity.”

3. For the reasons explained in this interlocutory application, I.A. No. 1 of 2026 stands allowed.

4. With consent of the parties, the additional relief is being taken together with the main relief for adjudication of the instant writ petition.

CWJC No. 13568 of 2023

5. The writ application has been filed for the following relief:-

“1(i) For necessary direction upon the respondent authorities to grant the benefit of pension and gratuity to the petitioner as admissible to 11 employees of the Bihar State Sports Authority and particularly Sri Prabhu Singh and Sri Deo Kumar Prasad, as these 11 persons along with this petitioner was a petitioner in CWJC No. 7361/1993 and pursuant to the order passed by this Hon'ble Court, the services of the petitioner and these 11 persons were regularized.

(ii) For holding that the respondents cannot be allowed to discriminate between the petitioner and



these 11 employees on the ground that the services of the petitioner was regularized in the Authority while the services of these 11 persons were regularized on the orders of the Department, because both belong to same group of 25 persons, who had jointly filed CWJC No. 7361/1993 and the respondents were required to treat equally all the petitioners of CWJC NO. 7361/1993.

(iii) For necessary direction upon the respondent authorities to pay the benefit including financial benefit of pay scale w.e.f. the date of initial appointment of the petitioner in the Authority as the same benefit has been extended to the 11 employees on the orders of the Department.”

6. At the outset, counsel for the petitioner submits that the issues are squarely covered by the judgment dated 31.01.2026 rendered by this Court in CWJC No. 13221 of 2023 (***Nagendra Kumar Singh Vs. The State of Bihar & Ors.***) and the petitioner's case can also be directed to be adjudicated in the same and similar terms.

7. Counsel for the petitioner submits that initially the appointment of the petitioner was made in Bihar State Sports Authority on 12.11.1987 on temporary basis as a security-guard. However, even after lapse of almost 13 years of service, the petitioner's service was not regularized and as such, for regularizing the services and allowing regular pay-scale,



representation was made before the authorities by the petitioner.

8. It is next submitted that the services of the petitioner as well as other similarly situated persons were not regularized and regular benefits were denied, which led to filing of the writ petition bearing CWJC No. 7361 of 1993 before this Court and, same was disposed of vide order dated 05.09.1997 with a direction to the State Government to get the rules of service condition of the employees of the Sports Authority approved, which was duly approved and the Department came out with a Notification no. 139 dated 10.04.2000, governing the appointment as well other services conditions of the employees of the Sports Authority being known as Bihar State Sports Authority Appointment Rules, 2000.

9. It is further submitted that as per the Rules, so notified, the services of the petitioner was regularized vide order dated 20.06.2000 with effect from 12.11.1987 and as per his seniority, the salary of the petitioner was fixed in the pay-scale of 4000-6000.

10. Counsel for the petitioner further submits that since, the benefits under ACP has already been granted by treating him to be in service with effect from the date of absorption/adjustment dated 12.11.1987, therefore, the benefits



of pension and pensionary benefit by treating the petitioner to be a government service has to be reckoned from the date of his initial appointment.

11. It is the case of the petitioner that after regularization, the services of the petitioner, in view of the resolution of the Finance Department as contained in Resolution No. 4685 dated 25.06.2003 and 7566 dated 14.07.2010 issued by the Art Culture and Youth Department, the meeting of Departmental Screening Committee was called for and recommendation for grant of benefit of ACP/MACP was granted vide order as contained in letter no. 61/2019 dated 25.07.2019 and from perusal of the said order, it would be crystal clear that by considering the date of regularization with effect from 12.11.1987 and the date of superannuation of this petitioner with effect from 30.06.2023, the petitioner is said to have been allowed the benefit of 1st, 2nd and 3rd ACP/MACP.

12. Counsel for the petitioner has next submitted that since the previous period of the petitioner has already been recognized as a period rendered in the government service and similarly situated person in the case of *Nathu Ansari Vs. The State of Bihar & Ors (L.P.A. No. 205 of 2016)*, wherein, the Hon'ble Division Bench had an occasion to consider Clause 15



of the Notification dated 10.04.2000, in which, it was held that the right which has accrued to the employees by virtue of their absorption, as a government servant, is required to be protected and accordingly, appropriate directions have been issued to the respondent authority to grant all such benefits to the employees of the authority, in whose favour the absorption has been directed by treating them to be a government employee with effect from the date of absorption.

13. It is further submitted that the date of absorption with effect from 12.11.1987, which is said to have been notified by issuing a specific order as contained in Annexure-P/4 being, Memo No. 248 dated 20.06.2000, the petitioner becomes entitled to all such benefits accruing to him by virtue of the notification dated 20.06.2000 and there may not be any reason before the authorities in not allowing such benefits to the petitioner by treating him to be a government employee.

14. Counsel for the petitioner by referring to the judgment rendered by a Co-ordinate Bench of this Court in the case of *Anil Kumar Vs. The State of Bihar & Ors. (CWJC No. 4955 of 2022)* submits that the said writ petitioner being similar to the present petitioner, who was also adjusted and regularized in the authority w.e.f. 26.03.1987 as against the sanctioned post



vide office order no. 26 dated 03.05.1997, in whose favour, by relying upon the judgment rendered by Hon'ble Division Bench in the case of *Nathu Ansari* (supra), the Co-ordinate Bench has directed the respondents to consider the claim of the petitioner of the aforesaid writ petition, the case of this petitioner is also required to be considered in similar terms by giving similar treatment and to pay consequential benefits including the retirement benefits at par with the case of Anil Kumar (supra).

15. On the other hand, counsel for the State, by referring to the stand taken in the counter affidavit, submits that the petitioner was initially appointed as a daily wager and, after framing of Service Rules for the employees of the Sports Authority, his service was regularized, which is much after the absorption orders were issued in the case of *Nathu Ansari* and *Anil Kumar* (supra), while the order of regularization in respect of the petitioner, only came to be issued in the year 2000, when the Sports Authority had already notified its Service Rules being known as Bihar State Sports Authority Appointment Rules, 2000, which had already come into effect and, therefore, his case is not similar to that of *Nathu Ansari* and *Anil Kumar* (supra).

16. It is next submitted that after the directions have



been issued by the Hon'ble Division Bench and, as also, the Co-ordinate Bench of this Court, the authorities of the Sports Department have already taken a decision by passing necessary orders, which is appended with the rejoinder to the supplementary counter affidavit filed on behalf of the respondent nos. 1 & 2, which is contained in Memo No. 88 & 89 dated 03.06.2025 by which the benefits of regularization by treating them to be a government employee has been passed and benefits have also been extended.

17. It is next contended that by referring to the order, the rule governing the service condition of the employees, known as Bihar State Sports Authority Rule, 2000 (hereinafter referred to as 'the Rule, 2000') wherein, the Rule 15 of the aforesaid Rule, 2000 clearly stipulates that benefit of pension and gratuity will not be admissible to the employees of the Authority, but they will be covered by the Contributory Provident Fund and Group Insurance Scheme with the approval of the State Government. With regard to benefit of MACP, it is submitted that the authority have already granted the benefit of ACP/MACP as admissible to the petitioner.

18. After considering the submission of the respective parties, this Court finds that the issues at hand being identical to



the present one, appears to have been adjudicated in the case of ***Nathu Ansari Vs. The State of Bihar & Ors (L.P.A. No. 205 of 2016)*** in which the Hon'ble Division Bench of this Court in its penultimate paragraph has held as follows:

“Accordingly, we are of the considered view that by applying the provisions of Clause-15 of the notification dated 10th of April, 2000 the rights that had accrued to the petitioner by virtue of his being absorbed as a Government Servant on 3rd of May, 1997 cannot be taken away. That apart, when all these factors were considered by us while hearing the matter on 12th of July, 2017 and when the notification Annexure-A dated 10th of April, 2000 were brought to our notice, we directed the petitioner to indicate as to whether he has availed all the benefits accruing to him by virtue of this notification dated 10th of April, 2000 and at that point of time, we were of the considered view that prima facie the petitioner cannot take the benefits of both the conditions of absorption and the notification dated 10th of April, 2000. In pursuance to the order passed on 12th of July, 2017 the petitioner has filed a supplementary affidavit and in para 12 of the said supplementary affidavit specific averments have been made by the petitioner to say that none of



the benefits accruing to an employee by virtue of a Government notification dated 10th of April, 2000 was made available to the petitioner nor he has availed any of such benefits. To this supplementary affidavit, State Government has also filed supplementary counter affidavit on 25th of August, 2017 and there is nothing in this affidavit to show that the petitioner was granting the benefits by virtue of the notification dated 10th of April, 2000. Therefore, it is a case where treating the petitioner to be a Government Employee having been absorbed on 3rd of May, 1997 even the benefit accruing to him by virtue of the notification dated 10.04.2000 was not accorded to him and therefore, there is no reason as to why the petition should not be allowed and the petitioner be granted all the benefits to which he is entitled to treating him to be a Government Employee.

Accordingly, we allow the petition, quash the order passed by the leaned Writ Court and direct the respondents to treat the petitioner to be a Government Employee and grant him all the benefits accruing to a Government Employee by virtue of his absorption on 3rd of May, 1997.”

19. This Court has also been apprised that against the



order passed by the learned Division Bench of this Court, the State has preferred SLP (Civil) No. 30713 of 2018, which also came to be dismissed vide order dated 26.04.2019. The State of Bihar and the other official respondents also filed Civil Review No. 25 of 2020, that also resulted with the same fate vide order dated 14.03.2023.

20. To such submissions of the State counsel, the counsel for the petitioner seriously refutes the stand so taken by submitting that the issue with respect to the identically situated persons has already been settled by the learned Division Bench of this Court duly affirmed by the Hon'ble Apex Court and, as such, the submission of the counsel for the State that the ratio of Nathu Ansari (supra) may not be applicable in the case of the petitioner because the regularization of the petitioner was done after the Service Rule, 2000 but, while making such submission, the State counsel did not take the fact into consideration that only by considering his past service, the benefits under ACP/MACP was granted and, as such, the stand of the State taken before this Court for negating the claim of the petitioner is fit to be rejected.

21. Taking into account the submissions made by the learned counsel for the parties and having gone through the



judgments rendered by the Hon'ble Division Bench, as also by the Co-ordinate Bench, and upon having given anxious consideration, by looking to the factual aspect and as also the materials available on record, the stand of the State is not accepted for the simple reason that the issue which is being raised before this Court, has already been considered by the Hon'ble Division Bench in the case of *Nathu Ansari* (supra), whereby, the benefits of absorption has been recognized, and accordingly, this Court holds that the benefit of absorption from its effective date of 12.11.1987, cannot be taken away from the petitioner, as the service from the date of initial appointment has also been recognized by them for granting benefits of ACP and MACP. From the records, it also appears that the order passed by the learned Division Bench was also tested against which the State has preferred SLP (Civil) No. 30713 of 2018, which also came to be dismissed vide order dated 26.04.2019 and further Civil Review No. 25 of 2020, which was preferred by the State Government, has also met with the same fate vide order dated 14.03.2023.

22. Since the issues, which are required to be looked into for adjudicating the claim of the petitioner, has already been put at rest at the level of Hon'ble Apex Court and, as such, this



Court has no reason to take a divergent view but, to direct consideration of his case in similar terms and, accordingly, this Court directs that the petitioner's case be also considered in terms of Clause 4(C) of Bihar State Litigation Policy, 2011, as his case is also covered by the judgment of Hon'ble Division Bench rendered in the case of *Nathu Ansari* (supra), which has attained finality and, accordingly, the respondents are directed to proceed to adjudicate the claim and pay all the consequential benefits at par with the similarly situated persons, referred above, by passing a reasoned and a speaking order, within a period of twelve weeks from the date of receipt of a copy of this order.

23. With the aforementioned observations and direction, the writ petition stands disposed of.

(Ajit Kumar, J)

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