

Bijay Kumar Rai and ors. Vs. State of Bihar and ors.

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SooperKanoon Citation : sooperkanoon.com/515033

Court : Jharkhand

Decided On : Jan-12-2004

Reported in : [2004(1)JCR528(Jhr)]

Judge : Amareshwar Sahay, J.

Acts : Service Law; [Constitution of India](#) - Article 226

Appeal No. : CWJC No. 3446 of 1997 (R)

Appellant : Bijay Kumar Rai and ors.

Respondent : State of Bihar and ors.

Advocate for Def. : Rita Kumari, JC to GP II

Advocate for Pet/Ap. : M.B. Lal, Adv.

Judgement :

ORDER

Amareshwar Sahay, J.

1. The petitioner No. 1 is a clerk and the petitioner Nos. 2 & 3 are peons appointed by the Secretary, Project Girls High School, Deori have prayed for regular pay scale with effect from 31.12.1988 i.e. the date of their initial appointment pursuant to the letter as contained in Annexure 4, dated 12.10.1982 and also on the basis of

Annexure 5 i.e. wireless message dated 14.4.1987.

2. Several other writ applications were filed before this Court on similar facts with similar prayer and various orders were passed in those writ applications which have been annexed as Annexures 6, 7 and 8 to this writ application. However, it appears that Annexure 8 has been passed in MJC No. 417 of 1995 (R) arising out of similar writ petition.

3. It is stated by the learned counsel for the petitioner that though the petitioner has filed representation i.e. Annexure 10 on 20.8.1997 to the District Education Officer, Giridih to that effect but no action in this regard has been taken.

4. No counter affidavit has been filed by the respondents. Considering the nature of the prayer and also the averments made in this writ application, this application is disposed of with a direction to the petitioner to make a fresh representation before the concerned competent authority along with a copy of this order within a period of three weeks from today giving details of his claim. If such representation is filed by the petitioner within the time specified, the concerned competent authority shall pass an appropriate order in accordance with law after considering the fact that similarly situated teachers were granted relief pursuant to the letter of the State Government dated 10.2.1982 and the wireless message dated 14.12.1987 and if it is found that the petitioner is also entitled to the same benefit pursuant to Annexure 4 and 5 to the writ application, the concerned authority shall pass appropriate order within a period of eight weeks from the date of filing such representation.

5. With this above observation/direction this application stands disposed of.