
(2014) 09 PAT CK 0025
In the Patna High Court
Case No : CWJC No. 9377 of 2013

Abdul Quashim Siddiqui

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 02-09-2014

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2014) 4 PLJR 661

Hon'ble Judges : Jayanandan Singh, J

Bench : Single Bench

Advocate : Amit Prakash and Soni Srivastav, Advocate for the Appellant; Renu Jha, Advocate for the Respondent

Judgement

Jayanandan Singh, J.—A notification issued by the Health Department contained in Memo No. 1019 (17) dated 11.8.2008 annexed as Annexure-2 gives a valid cause of action to the petitioner to raise his claim before the Department for which he has filed a representation, as contained in Annexure-3, and then has moved this Court. The notification of the Department dated 14.5.1997 is Annexure-1 granting promotion to teaching staff of different Medical Colleges to higher posts in their own pay scale, pursuant to some orders of this Court and ultimatum granted by the Medical Council of India to fill up the teaching posts of different cadres in Medical Colleges. In this notification, in the faculty of general surgery, petitioner is at serial No. 1 and one Dr. Upendra Prasad Singh is at serial No. 4 and both of them have been shown in Patna Medical College. Pursuant to this notification, petitioner as well as said Dr. Upendra Prasad Singh was holding the posts of Professor in the Department from where they have superannuated now. It appears that said Dr. Upendra Prasad Singh had moved this Court and also filed a contempt application, pursuant to which the said notification as contained in Annexure-2, as referred to above, was issued by which his promotion to the rank of Professor in the pay scale of Rs. 14300-18300 was regularized with effect from 15.5.1997 itself. Hence, it was legitimate for the petitioner to claim the same benefits on the basis of his promotion also pursuant

to the said notification with effect from 15.5.1997.

2. Learned counsel for the respondents appears and submits that the case of petitioner may be directed to be considered by the Department in the light of the benefits granted to said Dr. Upendra Prasad Singh.

3. The State Government has framed Bihar State Litigation Policy, 2011. Paragraph 4.C(1) of the Policy clearly lays down that if in identical circumstances, some benefit/relief has been granted to one employee, the other employees in identical situation should not be compelled to move the Court and the same relief should be granted to them automatically for the period. In this regard, paragraph 4.C(1) of the Bihar State Litigation Policy is reproduced herein:--

"A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/applicant-employee/citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants."

4. Learned counsel for the petitioner has placed reliance upon an order of a Bench of this Court in the case of Ajay Kumar Srivastava Vs. The State of Bihar and Others, wherein the Bench accepted the submission of the learned counsel for the petitioner that:--

"... Where relief is granted by the Court in writ proceedings to certain persons then the authority must grant the same benefits to similarly situated persons even if such persons had not approached the Court and not a party to the said litigation."

5. However, since in the Bihar State Litigation Policy, 2011, the State Government has itself accepted the principle of Article 14 of the Constitution of India in the form of the said proposition, this Court is of the view that the case of petitioner should be considered by them taking into account the case of Dr. Upendra Prasad Singh and the orders passed therein. This writ application is, accordingly, disposed of with a direction to the Principal Secretary of the Health Department to place the matter of petitioner before the Departmental Level Grievance Redressal Committee constituted in terms of the Bihar Litigation Policy and to impress upon the said Committee to take a final decision in the matter in accordance with law within three months from the date of receipt/production of a copy of this order.