

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.899 of 2015

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1. Vedanand Ram son of Late Sohan Ram, resident of village & P.O. Sarauni P.S. Mahishi, District Saharsa, Presently posted at Regional Research Sub-Station Jalalgarh (Purnea) and deputed at regional Research Station, Agwanpur (Saharsa).
 2. Krishna Kant Choudhary son of Sri Kamla Kant Choudhary Resident of village & P.O. Parsarma P.S. Supaul, District Supaul, Presently posted as Clerk at Madan Bharti Agriculture College, Agwanpur, Saharsa on the vacant post of Accountant.
 3. Ranjay Kumar Singh son of Nand Kishore Singh resident of village & P.O. Ram Nagar, District Saharsa, Presently posted at Jute research Station, Katihar.
 4. Basant Lal Roy son of Late Faudar Roy Resident of village & P.O. Panchgachia, Tola-Durgapur District Saharsa, Presently posted at Regional Research Sub-Station Jalalgarh (Purnea) and deputed at Regional Research Station, Agwanpur (Saharsa).
 5. Narayan Prasad Yadav son of Late Lakshmi Mandal resident of village + P.O. Narayanpur, P.S. Nawhatta, District Saharsa, Presently posted at regional Research Station, Agwanpur Saharsa.
 6. Smt. Reeta Jaiswal wife of Late Ram Bhushan Jaiswal Vill + P.O. Daulatpur, P.S.- Raghapur, Dist.- Supaul, Presently posted at regional Research Station, Agwanpur Saharsa.
 7. Ajit Kumar Sinha son of Late Gauri Shankar Sinha Mohalla- Vidyapuri, S.B.I Road, Madhepura, Presently posted at Irrigation Research Station, Madhepura.

.... Petitioners

Versus

1. The State of Bihar through the Agriculture Production Commissioner, Govt. of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Secretary, Agriculture Department, Govt. of Bihar.
4. The Bihar Agricultural University, through its Registrar, Sabour, Bhagalpur.
5. The Vice Chancellor, Bihar Agricultural University, Sabour (Bhagalpur).
6. The Registrar, Bihar Agricultural University, Sabour, Bhagalpur.
7. The Director Administration, Bihar Agricultural University, Sabour, Bhagalpur.
8. The Comptroller, Bihar Agricultural University, Sabour, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioners	:	Mr. Mrityunjay Kumar, Advocate
For the State	:	Mr. Sunil Kumar Mandal, SC24
For B.A.U.	:	Mr. Chandra Mohan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 02-11-2015

Heard counsel for the petitioners, counsel for the respondents, i.e., the State as well as Bihar Agriculture University.

Similar kinds of disputes have travelled to this Court one to

many times. The question which arises for consideration is whether a set of employees can be paid two different pay scales by an employer merely because one succeeded in getting a judicial order which was upheld right up till the Hon'ble Apex Court and the others decided to approach the Court subsequently.

This Court had occasion to deal with such matter in quiter detail in a batch of writ applications starting with CWJC No.15661 of 2014 which was the case of *Md. Najmuddin & Ors. Vs. State* and other analogous cases decided on 07.04.2015. The rationale and reasoning provided therein also applies to the case of the present petitioners.

In view of the same, the writ application is allowed with a direction that they shall be entitled to the same pay scale and payment which has been authorized by this Court in light of the decisions of earlier single judge, Division Bench as well as Hon'ble Apex Court. Details of those cases have also been provided for not only to the above mentioned writ application but some other applications earlier. The respondent-University will take a decision at par with the other similarly situated ministerial employees within a period of six months. Any adverse order passed against the interest of the petitioners contrary to the above direction will be non-est.

(Ajay Kumar Tripathi, J.)

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