

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.672 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 7664 of 1996

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1. Md. Salimullah son of Late Karimullah resident of Zaheda Manzil, Saadpura, P.S. Quazi Mohammandpur, District: Muzaffarpur
 2. Moinuddin Ahmad son of Wasiuddin Ahmad resident of village Manse Chapra, P.O. Bhuwan Chapra, P.S. Chakia, District: East Champaran

.... Appellant/s

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat Building, Patna
2. The finance commissioner cum Secretary to the Government in the Department of finance, Old Secretariat Building, Patna
3. The Pay Revision Anomaly Committee through its Chairman, Sri K.P. Sinha, the Retired I.A.S. C/O Finance Commissioner cum Secretary to Government, Old Secretariat Building, Patna
4. The Secretary to the Government in the Raj Bhasa Department, Old Secretariat Campus, Patna
5. The Director, Raj Bhasa Department, Old Secretariat Campus, Patna
6. Naushad Ahmed son of Md. Sajjad Ahmad resident of Nadraganj, Ram Sagar Road, Gaya, P.S. Gaya
7. Wali Ahmed Son of Late Mir Hadi Hasan resident of village Shahpur Junaid, P.S. Sakra, District Muzaffarpur
8. Md. Jallilur Rahman Quasmi S/o Late Md. Qasim Siddiquie resident of Mohalla Jail Road, P.S. Muzaffarpur, District: Muzaffarpur
9. Md. Nasir Son of Late Abdul Sattar resident of Ghous Nagar, P.O. Ghous Nagar, District: Sitamarhi
10. Bilquse Begum Wife of Syed Quisar Hussain resident of Shadpura, P.S. Kazi Mohammadpur, District- Muzaffarpur
11. Shakir Ahmed Khan son of Md. Usman Khan resident of B.Patti, P.S. Sahebganj, District: Muzaffarpur
12. Md. Isa Anwar son of Md. Ayub resident of Mohalla Shadpura, P.O. Ramna, P.S. Quazi Mohammadpur, District Muzaffarpur
13. Md. Jalaluddin Khan son of Md. Jaseem Khan resident of Mohalla Raipura

Pathai Toli, P.S. Fatwah, P.O. Fatwah, District Muzaffarpur

14. Md. Abdul Hasan Ansari son of Md. Shamsuddin Ansari resident of village Haraiyadih, P.O. Baisadih, P.S. Piro, District- Bhojpur

15. Md. Abdul Bari Shaida son of Late Shamsuddin resident of Chajee Mohalla, P.S. Bihar Sarif, District- Nalanda

16. Md. Sairajuddin Khan Son of Late A.S. Khan resident of Mohalla Beli Sarai, P.S. Motihari, District- East Champaran

17. Fazal Ali Naseem Son of Late Md. Hashim resident of Banaras Bank Chowk, P.S. Muzaffarpur Town, District Muzaffarpur

18. Imteyaz Ahmad son of Abulais resident of village- Chandauli, P.O. Belaganj, District Gaya

19. Md. Mahfooz Rehmani Son of M.A. Kabiri resident of village- Chewara, P.S. Chewara, District- Sheikhpura

20. Shah Waliullah Tariq Son of Late Syed Shah Azmatullah resident of Chandwara, District- Muzaffarpur town, District- Muzaffarpur

21. Md. Irfanul Haque Son of Reyazul Haque resident of Barhampura, District- Muzaffarpur

22. Shahnawaz Jabeen wife of Latifur Rehman resident of Mohalla Sarai Sayed Ali, P.S. Quazi Mohammadpur, District- Muzaffarpur

23. S. Mujitaba Hasan son of Late S. Murtaza Hasan resident of Sultanganj, P.S. Sultanganj, District- Patna

24. Md. Shabbir Ahmad Son of Abdul Jabbar Hussain resident of village Kasma, P.S. Chandauti, District Gaya

25. Ateequ Askari Son of Ramzan Ali resident of Baradih, P.S. Kasariya, District East Champaran

26. Md. Zikrullah son of Imdad Elahi resident of Village- Meghua, P.O. Bahalopur, P.S. Kalyanpur, District- East Champaran

27. Syed Tyab Raza Son of Syed Ali Ghazanfar resident of village- Gopalpur, P.S.- Hussainganj, P.S.- Bakerganj, District- Siwan

28. Naiyar Alam Siddique Son of Md. Alam Sididique resident of village- Parshottampur, P.S. Chauradano, District- East Champaran

29. Qutubuddin son of Syed Zamiruddin resident of Kaghzi Mohallah, P.O. and P.S. Bihar Sharif, Dist.- Nalanda

30. S.S. Qaisar Rizvi son of S.S. Sarajuddin Rizvi resident of Mohalla Shahtoli P.O. Danapur, P.S. Danapur District: Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhinav Srivastava, Advocate
For the Respondent/s : Mr. Anjani Kumar, AAG 4 with
Mr. Sanjay Prasad, AC to AAG 4

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**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 26-09-2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 2nd November, 2010. The learned Single Bench dismissed the writ petition on the ground that the issues raised by the appellants have become academic since many Pay Revision Committees' report have come to be implemented by the State of Bihar over the last two decades i.e. after the filing of the writ application.

Learned counsel for the appellants contends that the finding recorded by the learned Single Bench is not correct inasmuch as if the anomaly in the pay scale of the appellants is removed with effect from 01.01.1986, as ordered by the State Government on 14.11.1995, the benefit of subsequent Committee's report would fall in place. Therefore, the basic issue as to whether the report of the Anomaly Committee dated 3rd September, 1990 as accepted by the

State Government on 14.11.1995 has removed anomaly in respect of pay scale payable to the appellants has not been decided.

We find that the issue is not academic but requires adjudication on merits. The issue is whether the anomaly report as accepted by the State Government on 14.11.1995 is legally sustainable or not. If it is not, the appellants would be entitled to consequential benefits as per the subsequent pay revisions but if the same is sustainable, no further question will arise. In view of the fact that there is no adjudication on the question raised, we set aside the order passed by the learned Single Bench and remit the matter for fresh decision on merits in accordance with law.

The Letters Patent Appeal stands disposed off.

The writ petition be listed as per roster.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/P.Kumar

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.10.2016
Transmission Date	N/A