

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7335 of 2018

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1. Arvind Choudhary, son of Late Triveni Choudhary, Resident of Village- Naya Tola, P.O. Agapur, Police Station Mansoorchak, District- Begusarai.
 2. Ravi Shankar Kumar, son of Late Tara Das Kanojia, Resident of Village- Bingama, P.O. Jalalpur, Police Station Patori, District- Samastipur.
 3. Saryug Kumar, son of Late Sheo Mahto, Resident of Village- Salarpur, P.O. Amarpur, Police Station Modni Chowki, District Lakhisarai.
 4. Ashok Kumar Jha, son of Shri Dayanand Jha, Resident of Village- Bishanpur Shivram, P.O.+ Police Station- Balua Bazar, District Supaul (Bihar).
 5. Ramesh Kumar Singh, son of Late Anant Prasad Singh, Resident of Village- Naya Bazar Nariyar Road, Ward No. 3, Police Station Saharsa, District- Saharsa.
 6. Md. Murtaza Iqbal Khan, son of Md. Shafique Khan, Resident of Ward No. 4, Panibagh, Police Station Kishanganj, District Kishanganj.
 7. Md. Anwar Alam, son of Late Md. Kari, Resident of Village- Parsa, P.O. Pipra Khurd, Police Station Supaul, District- Supaul.
 8. Rajesh Kumar, son of Late Sheonandan Mandal, Resident of Village- Chandpur, P.O. Gogri, District Khagaria.
 9. Bablu Kumar, son of Late Ramdeo Yadav, Resident of Village- Bariyari, Police Station- Lokahi, District- Madhubani.
 10. Umakant Ram, son of Late Churaman Ram, Resident of Village- Bari, Police Station- Daltenganj, District- Palamu (Jharkhand).
 11. Mahesh Prasad Singh, son of Late Rajendra Prasad Singh, Resident of Village- Sirsiya, Police Station Dinrika, District Purnea.
 12. Shailendra Kumar Thakur, son of Late Murli Thakur, Resident of Village- Pathrahi Tola Jhanjharpur, Police Station Jhanjharpur, District- Madhubani.
 13. Rajendra Ram, son of Shri Nokha Ram, Resident of Village- Malhi, Police Station Kuchaikote, District- Gopalganj.
 14. Ajay Kumar Rai, son of Late Ram Janam Rai, Resident of Village- Aami, Police Station Dighwara, District Saran. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
 2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
 3. The District Magistrate, Begusarai.
 4. The District Magistrate, Supaul.
 5. The District Magistrate, Hazipur.
 6. The District Magistrate, Gopalganj. Respondent/s
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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. Partha Sarthi-Ga4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER



2 20-04-2018

The learned counsel for the parties are in agreement that the present case can be disposed of in light of the judgment dated 23.06.2017 passed in L.P.A. No. 167 of 2016.

At this juncture, it would be relevant to reproduce operative portion of the aforesaid judgment dated 23.06.2017 herein below :-

“ That being so, we see no much difference between the employees, who were petitioners in CWJC No.13577 of 2006 and the present petitioners. Even if for the sake of argument it may be assumed that the petitioners and the employees, who were petitioners in CWJC no.13577 of 2006 from two different categories, there is no justification in the matter of discrimination between the present petitioners and the retrenched employees who were working in the non formal education scheme. It is clear that the non-formal education scheme came to an end and large number of Class-III and Class-IV employees was retrenched and thereafter in the year 2005 and 2006 as is evidence from Annexures 4 and 5, they were re-appointed as a fresh appointee in the year 2005 and 2006, that is much after 20th December, 2000 and in their case, they have been granted the higher pay scale of Rs. 4,000/--Rs. 6,000/-. If that be so, there is



a discrimination in the matter of granting similar benefit to the petitioners when more than 300 employees have been granted such benefit of higher pay scale in the grade of Rs. 4000/--Rs. 6000/- even after they were appointed in the year 2005 and 2006, there is no reason as to why similar benefits should be denied to the petitioners when the petitioners are also doing similar work and were appointed after 20th December, 2000. To that effect, there is discrimination in the matter and the petitioners are entitled to equal treatment. That apart, the petitioners are working in the Collectorate at Siwan and many employees identically situated, like the petitioners, who were appointed after 20th December, 2000, as is indicated hereinabove, are being granted pay in the scale of Rs. 4000/--Rs. 6000/- and if that be the factual position, there is no reason why a similar benefit should not be extended to the petitioners.

Keeping in view the aforesaid, this appeal is allowed, the order impugned dated 29.10.2015 passed in CWJC no. 1498 of 2011 is quashed. The said writ petition is allowed and the petitioners are directed to be paid the benefit in the scale of pay Rs. 4000/--Rs. 6000/- retrospectively with effect from the date of



appointment. However, arrears of the petitioner are only to be granted with effect from the date they filed the writ petition before the High Court, i.e. with effect from 21.01.2011.

With the aforesaid, the appeal stands allowed and disposed of. ”

In view of the aforesaid, the present writ petition is disposed of in light of the aforesaid judgment dated 23.06.2017 and the concerned District Magistrates are directed to take final decision in the matter as per the aforesaid judgment within a period of 8 weeks from today.

The writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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