

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22433 of 2014

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1. Sumeet Kumar Son of Late Satya Narayan Prasad Sinha, Resident of Mohalla-Kashipur, Ward No.-6 District-Samastipur. '
 2. Suman Kumar Jha Son of Late Sarvanarayan Jha, Resident of Village+P.O.-Mahrail, Via-Jhanjharpur, P.S.-Andhra Thari, District-Madhubani.
 3. Ravi Shankar Matricharman Son of Late Anjani Kumar Sinha Resident of R.S. Tank (North East Corner), P.O.-Laheriasarai, P.S.-Bahadurpur, District-Darbhangha.
- Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
 2. The Principal Secretary, Public Health Engineering Department Govt. of Bihar, Patna.
 3. The Principal Secretary Department of Finance Govt. of Bihar, Patna.
 4. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
 5. The Engineer in Chief, P.H.E.D., Govt. of Bihar, Secretariat Bihar, Patna.
 6. The Chief Engineer (Mechanical) P.H.E.D., Govt. of Bihar, Patna.
 7. The Superintending Engineer, Public Health Engineering Circle Begusarai.
- Respondents
- =====

Appearance :

For the Petitioners : Mr. Siyaram Pandey, Advocate
For the Respondents : Mr. Apurva Kumar, AC to GA 11

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 26-06-2018

Heard learned counsel for the petitioners and learned counsel for the State.

2. The writ petition has been filed seeking quashing of order dated 9.6.2014 contained in Memo no.371 (Annexure 3) passed by the Superintending Engineer, Public Health Engineering Circle, Begusarai, whereby petitioners have been reverted from the post of Junior Accounts Clerk/Lower Division Clerk (Accounts Section) to the post of Lower Division Correspondence Clerk and placed in the initial pay scale of Rs.3050-4950 from their present



pay scale of Rs.5200-20200 with grade pay Rs.2400.

3. Learned counsel for the respondents has tried to justify this decision relying upon a circular dated 5.10.1991. The said circular and other circulars governing the issue in the instant writ petition, along with the State Government's resolution dated 25.3.2015 bearing Memo no. 3111 issued under the signature of the Secretary, Finance Department, Government of Bihar has been considered by this Court in the writ proceedings in the case of Binit Kumar and others Vs. the State of Bihar and others in C.W.J.C.No. 9921 of 2017 and its analogous cases.

4. After considering all the relevant resolutions and circulars in this respect, this Court has held that all such persons similarly/identically situated as the petitioners who have been appointed on the compassionate ground after 28.9.1999 are covered under the resolution of the State Government dated 25.3.2015. Accordingly, the respective position of the petitioners in the said case along with pay scale attached, have been restored and the direction has been issued to make payment of the amount, if any, recovered on account of the decision to place the petitioners in the post of Lower Division Clerk and the pay scale attached to the Lower Division Clerk.

5. The issue raised in the instant proceedings is already decided under the said order passed in C.W.J.C.No. 9921 of 2017



and its analogous cases vide order and judgment dated 21.8.2017. Since the petitioners’ case is also covered by the State Government’s resolution dated 25.3.2015, which fact is not disputed by the learned counsel for the respondents, since appointment of the petitioners is also post 28.9.1999.

6. Considering the aforesaid submissions and in light of the decision dated 21.8.2017 passed in case of **Binit Kumar Vs. The State of Bihar and others (supra)**, no further order needs to be passed in the instant case as the said resolution dated 25.3.2015 and this Court’s order dated 21.8.2017, passed in C.W.J.C.No. 9921 of 2017 takes care of the claim of the petitioners.

7. In view of the development subsequent to filing of the instant writ petition, the same has become infructuous. The writ petition is accordingly disposed of.

8. Needless to say that the petitioners would be entitled to the same remedy/relief as has been granted in the case of Binit Kumar and others.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	2.7.2018
Transmission Date	NA

