

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25396 of 2013

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1. Suman Kumar Singh Son Of Late Mahabir Singh Resident Of Village- Kumarkhand, P.O.- Kumarkhand, P.S.- Kumarkhand, District- Madhepura
 2. Bipin Kumar Verma Son Of Late Bindeshari Prasad Verma Resident Of Village- Rajaur, Bhabhangama, P.S. Bihariganj, District- Madhepura
 3. Sanjeev Prasad Son Of Ganga Prasad Poddar Resident Of Village- Haribola, P.S.- Kumarkhand, District- Madhepura
 4. Arjun Prasad Son Of Laxmi Prasad Resident Of Village & P.O. Sirisia Gopalpur, P.S.- Singheshwar, District- Madhepura
 5. Anil Jaiswal Son Of Ganga Prasad Jaiswal Resident Of Village- Bisharia, P.O. Anandpura, P.S.- Udakishunganj, District- Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Rural Development Department, Govt. Of Bihar, Patna
2. The Secretary-Cum-Commissioner, Department Of Finance, Govt. Of Bihar, Patna
3. The Agriculture Director, Department Of Agriculture, Govt. Of Bihar, Patna
4. The Deputy Director Of Agriculture, Bihar, Patna
5. The Collector-Cum-District Magistrate, Madhepura

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan
For the Respondent/s : Mr. Kumar Priya Ranjan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

Date : 14-03-2018

This writ petition under Article 226 of the Constitution of India has been filed for a direction to the respondents to grant replacement scale of Rs.4000-6000 to the petitioner as they were appointed on the post of Jan Sevak/V.L.W. in the year 2009 in the pay scale of Rs.1200-30-1800.



Briefly stated fact of the case, as stated in the petition, is that pursuant to daily newspaper advertisement in the year 1987 under the Madhepura district for appointment on the post of Jan Sevak/V.L.W., petitioners had applied and they were interviewed and after due verification of their relevant papers by the Selection Committee appointment letters were issued to petitioners. Petitioner nos. 1,2,3, 4 and 5 were appointed on 3.3.1999 on the post of Jan Sevak/V.L.W. It has been further contended that similarly situated persons had preferred writ petition being CWJC No. 14962 of 2007, C.W.J.C. No. 2650 of 2008 and C.W.J.C. No. 5880 of 2008 for grant of replacement scale of Rs.4000-6000 and Court had allowed their writ petitions and direction was issued to the Secretary-cum-Commissioner, Finance Department, Patna, for making payment of salary in the scale of Rs.4000-6000 and also to pay arrears of salary from their appointment and cases of petitioners are fully covered by the judgment and order passed by the Court as referred above and they are also entitled for same benefits as granted to others as they were appointed by the same appointment letter and final merit/gradation list. But inspite of several petitions for grant of similar benefits to petitioners, no order has been passed in their favour.



Learned counsel for the petitioner has relied upon a judgment and order dated 22.10.2013 passed in CWJC No. 14962 of 2007 (Udayanand Abhilalshi and ors. vs. The State of Bihar and ors.), CWJC No. 2650 of 2008 (Sanjay Kumar and ors. vs. The State of Bihar and ors.) and CWJC No. 5880 of 2008 (Deo Kumar Singh and ors. vs. The State of Bihar and ors.) by which the writ petitions were allowed on the basis of order of learned Single Judge dated 13.7.2007 passed in CWJC No. 11879 of 2004 and affirmed by the Division Bench in LPA No. 959 of 2007.

The present writ petition is also disposed of in terms of order dated 13.7.2007 passed in CWJC No. 11879 of 2004 and affirmed on 13.5.2011 in LPA No. 959 of 2007.

In the counter affidavit filed on behalf of Respondent nos. 3 and 4 it has been stated that the Director, Agriculture, Bihar, Patna, has already intimated the District Magistrate, Madhepura, vide letter no. 101 dated 27.1.2014 to dispose of claim of petitioners in accordance with law.

The District Magistrate, Madhepura, is directed to consider the claim of petitioners and pass an order within three months from the date of receipt/production of a copy of this order and grant similar benefit to petitioner as granted to petitioners of



CWJC No. 11879 of 2004 by order dted 13.7.2007 and affirmed by
order dated 13.5.22011 passed in LPA No. 959 of 2011.

The writ petition stands allowed.

(S. Kumar, J)

sudip/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

