

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4560 of 2015

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1. Punyadeo Prasad Himanshu S/o Late Ram Bahadur Sah Resident of Village Baurhat, P.O. Jiraul, P.S. Khirhat, District Madhubani presently working as Clerk, +2 High School, Uttara, P.S. Saharghat, District Madhubani.
 2. Manish Kumar Mishra S/o Late Satyadeo Mishra Resident of Village and P.O. Barari, P.S. Benipatti, District Madhubani presently working as Clerk +2 Sudama Jaleswar High School, Baneshwar Asthan, Block Benipatti, District Madhubani.
 3. Sujit Kumar S/o Late Mohan Jha Resident of Village and P.O. Rahua Sangram, P.S. Bheja, District Madhubani, presently working as Clerk, Jawahar +2 High School, Madhepura, District Madhubani.
 4. Mukesh Kumar s/o Late Ram Sewak Yadav Resident of Village Navtol, P.S. Fulpara, District Madhubani, presently working as Clerk, J.B.N.S. +2 High School, Madneshwar Asthan, Anchal Babu Barahi, District Madhubani.
 5. Lalan Kumar Chaudhary S/o Late Chandeshwar Chaudhary Resident of Village Bikram Seth, P.O. Mauahi, P.S. Babu Barahi, District Madhubani presently working as Clerk in Shi. Wai. Ja. M. Project +2 Girls High Secondary School, Bhupati, Babu Barahi District Madhubani.
 6. Rajiv Ranjan Raushan S/o Late Ram Narayan Singh Resident of Village Baghari, P.S. Beraul, District Darbhanga presently working as Clerk, Teknath +2 High School, Kapileshwar Asthan, Rahika, District Madhubani.
 7. Vijay Shankar Mishra S/o Late Dayanand Mishra Resident of Village Kamal Mohanpur, P.S. Bhairav Asthan, District Madhubani presently working as Clerk, Gopal Narayan +2 Secondary School, Kothiya, District Madhubani.
 8. Mohan Prasad Yadav S/o Kusum Lal Yadav Resident of Village Mainh, P.S. Andhar Math, District Madhubani presently working as Clerk +2 Ganga Ram Janta High School, Belhar, P.O. Mahadeo Math, via - Nirmali, District Madhubani.
 9. Chandra Kishore Prasad S/o Jagdish Ram Resident of Mohalla Suratganj, Ward No. 7, P.S. Madhubani, District Madhubani presently working as Clerk, G.M.S.S. High Secondary School, Madhubani.

.... Petitioner/s

Versus



1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Secretary, Education Department, Government of Bihar, Patna.
4. The Director, Secondary Education, Government of Bihar, Patna.
5. The Regional Deputy Director of Education, Darbhanga Division, Darbhanga.
6. The District Education Officer, Madhubani, District Madhubani.
7. The District Education Officer (Establishment), Madhubani, District Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 04-09-2018

Nobody appears on behalf of the petitioners. Learned counsel for the State has assisted the Court.

2. Counter affidavit has been filed on behalf of respondent no. 2 as well as respondent no. 4. The same were done after service of copy on learned counsel for the petitioners on 11.05.2015 and 12.05.2015. No rejoinder to the same has been filed.

3. The petitioners have moved the Court for the following reliefs:

*“ (I) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondents Authorities to grant the pay-scale to the petitioners in the pay-scale of Rs.4000-6000 in place of pay-scale of Rs.3050-*



4590 since the date of his initial appointment on the ground that the Lower Division Clerk in the other offices, who have been appointed on the basis of competitive examination has been granted the pay-scale of Rs. 4000-6000 as also on the grounds that the petitioners had already passed the departmental examination conducted by the department.

*(II) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondents to pay the arrears of difference of salary to the petitioners on account of grant of pay-scale in the pay-scale of Rs.4000-6000 in place of Rs.3050-4590.*

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioners would be found entitled under the facts and circumstances of the case.”

4. In the counter affidavits the stand taken is that the issue has already been settled against the petitioners by a learned Single Bench in C.W.J.C. No. 10441 of 2010 in the case of **Smt. Mosarrat Arra Khanam and Others Vs. The State of Bihar and Others** and analogous cases on 03.11.2011 as well as in L.P.A. No. 100 of 2012 by which challenge to the same has been rejected by order dated 19.02.2014.

5. In view of the aforesaid and taking into consideration



the fact that nobody has appeared to press the writ petition and there being no reply/rejoinder to the counter affidavits, the writ petition stands dismissed, both on merits as well as on the ground of non-prosecution.

(Ahsanuddin Amanullah, J)

Anjani/-

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