

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9126 of 2017

1. Kedar Nath Sharma, Son of Late Laxmi Narayan Sharma, resident of Village- Vinod Khareya, P.O.- Sonhula Gokhul, P.S.- Gopalpur, District- Gopalganj.
2. Kashi Nath Baitha, Son of Sri Manager Baitha, resident of Village- Khairtiya, P.O.- Balthari, P.S.- Kuchaikot, District- Gopalganj.
3. Bikrma Chaudhary, Son of Late Baccha Choudhary, resident of Village- Khairtiya, P.O.- Balthari, P.S.- Kuchaikot, District- Gopalganj.
4. Dharm Nath Ram, Son of Late Hari Kishun Ram, resident of Village- Hata Mathiya, P.O.- Mateya, P.S.- Kuchaikot, District- Gopalganj.
5. Ashraf Ansari, Son of Late Talli Ansari, resident of Village- Barnaiya, P.O.- Dhebwa, P.S.- Gopalpur, District- Gopalganj.
6. Vinod Kumar Rai, Son of Late Bishwanath Prasad Rai, resident of Village- Kotanrahwa, P.O.- Narhwa Shukhl, P.S.- Gopalpur, District- Gopalganj.
7. Madan Lal Baitha, Son of Sri Shyam Lal Baitha, resident of Village & P.O.- Badkagaon, P.S.- Pachrukhu, District- Siwan.
8. Bharat Majhi, Son of Doma Manjhi, resident of Village & P.O.- Sareiya Narendra, P.S.- Barauli, District- Gopalganj.
9. Sudhir Kumr Srivastava, Son of Late Jagat Narayan Srivastava, resident of Village- Laxmipur (Andhar Dhala), P.O. & District- Siwan.
10. Sanjay Kumar Srivastava, Son of Narbadeshwar Prasad, resident of Village & P.O.- Bhagwat Parsa, P.S.- Philwariya, District- Gopalganj.
11. Sunil Kumar Srivastava, Son of Sri Bharat Lal, resident of Village- Ladhpur, P.O.- Bathuwa Bazar, P.S.- Philwariya, District- Gopalganj.
12. Saunil Kumar Ram, Son of Late Ram Chandra Ram, resident of Village- Bhatahi, P.O.- Viswar, P.S.- Guthni, District- Siwan.
13. Anajni Kumar, Son of Virendra Pratap Srivastava, resident of Village- Nerui, P.O.- Bhagwanpur, P.S.- Mirganj, District- Gopalganj.
14. Umesh Ram, Son of Sri Ram Briksh Ram, resident of Village- Parsahi, P.O.- Dubey Jugana, P.S.- Bhore, District- Gopalganj.
15. Madan Mohan Singh, Son of Sri Babu Ram Singh, resident of Village- Khadahi, P.O. & P.S.- Bhore, District- Gopalganj.
16. Brahmdeo Pandey, Son of Sri Chandrabhan Pandey, resident of Village- Bangara Bazar, P.O.- Chitauna Bhore, P.S.- Kateya, District- Gopalganj.
17. Indradeo Yadav, Son of Late Laloo Yadav, resident of Village- Jajwalia, P.O.- V.D. Mahuwa, P.S.- Vijaipur, District- Gopalganj.
18. Raja Ram Harijan, Son of Late Bhikhi Ram, resident of Village- Badhara, P.O.- Jagdishpur, P.S.- Vijaipur, District- Gopalganj.
19. Anil Kumar Gupta, Son of Late Raghunath Prasad Gupta, resident of Village- Bhamdas Bagahi, P.O.- Bagahi Bazar, P.S.- Kateya, District- Gopalganj.



20. Chandra Sekhar Pandey, Son of Late Jagat Narayan Pandey,
resident of Village- Lali Chaut, P.O.- Chitauna, P.S.- Kateya,
District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Gopalganj.
2. The District Education Officer, Gopalganj.
3. The District Program Officer (Establishment), Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Umesh Narayan Dubey, AC to GP-27

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 03-05-2018 Heard learned counsel for the petitioner and the State.

The issue raised in the present writ application is no more res integra. A co-ordinate Bench of this Court has occasion to examine the issue of payment of officiating allowance in terms of Rule 103 of the Bihar Service Code. The decision of the co-ordinate Bench is based on the earlier decision in CWJC No. 13768 of 2009. The operative part of the decision in CWJC No. 13768 of 2009 reads as follows:

“Since thees petitioners have been given benefit of claim of 20% of the pay of Headmaster by virtue of their officiation for a long period of time, these petitioners would also be entitled to claim 20% of the pay in terms of Rule 103 of the Bihar Service code. If such an application is made, respondents will pass an appropriate order within a period of three months thereof”

In view of the above, the present writ petition is also disposed of with similar direction to the respondents to consider



the case of the petitioners in the light of the decision in C.W.J.C.
No. 13768 of 2009 and take final decision within a period sixty
days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

Ravi/-

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