

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7815 of 2020

1. Nawal Kishor Singh Son of Late Narain Prasad Singh resident of Professor Colony, Ward No. 25, P.O. and P.S.- Forbesganj, District- Araria, presently working as Junior Accounts Clerk, Road Construction Department, Road Division, Araria.
2. Rahul Kumar son of late Shivanand Thakur resident of Shivpuri, Ward No. 9, P.O. and P.S.- Araria, District- Araria, presently working as Junior Accounts Clerk, Road Construction Department, Road Division, Araria.
3. Rakesh Kumar Mishra son of late Mayakant Mishra, resident of Dhanpura Khurd (Sahabajpur), P.O.- Matiyari (Bhadreshwar), P.S.- Jogbani, District- Araria, presently working as Junior Accounts Clerk, Road Construction Department, Road Division, Road Division, Araria.
4. Subhash Kumar Singh son of late Sharda Prasad resident of Mohalla- Victor Colony, P.S.- K. Hat, District- Purnea, presently working as Junior Accounts Clerk, Road Construction Department, Road Division, Kishanganj.
5. Pankaj Kumar son of late Indradev Prasad Singh resident of Dumaria, Kali Mandir, P.S.- Kishanganj, District- Kishanganj, presently working as Junior Accounts Clerk, Road Construction Department, Road Division, Kishanganj.
6. Pankaj Kumar Sharma son of late Kamlesh Kumar Sharma resident of Mohalla- Amla Tola. Madhubani, P.S.- K.Hat, District- Purnea, presently working as Junior Accounts Clerk, Road Construction Department, Road Division, Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Engineer-in- Chief, Road Construction Department, Govt. of Bihar, Patna.
5. The Chief Engineer, Seemanchal Wing, Road Construction Department, Patna.
6. The Superintending Engineer, Road Construction Department, Road Circle, Purnea.
7. The Executive Engineer, Road Construction Department, Road Division, Araria.
8. The Executive Engineer, Road Construction Department, Road Division, Kishanganj.
9. The Executive Engineer, Road Construction Department, Road Division, Purnea.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Prashant Sinha, Adv.
For the Respondent/s : Mr.Amit Prakash, GA-13

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 09-10-2020 The petitioner has sought for following reliefs in the present writ application :-

“(i) For issuance of writ in the nature of certiorari for quashing of the office order No. 74 dated 17.12.2018 as contained in Memo No. 1379 dated 17.12.2018 issued by the Superintending Engineer, Road Construction Department, Road Circle, Purnea whereby the petitioners have been reverted from the post of their initial appointment as Junior Accounts Clerk to the post of Lower Division Clerk.

(ii) For issuance of writ in the nature of certiorari for quashing of office order no. 12/2020-431 as contained in Memo No. 431 dated 07.03.2020 issued by the Executive Engineer, Road Construction Department, Road Division, Araria whereby in compliance to the order issued by the Executive Engineer, the petitioner no. 1, 2 and 3 have been reverted from the post of Junior Accounts Clerk to the post of Lower Division Clerks and their pay has been reduced from the pay scale of Rs. 4000-6000/- to Rs. 3050-4590 and also directed for recovery of the excess amount paid to the petitioners.

(iii) For issuance of writ in the nature of certiorari for quashing of memo no. 798, 799 & 797 dated 22.07.2020



issued by the Executive Engineer, Road Construction Department, Road Division, Araria whereby the pay of the petitioners have been reduced in terms of the order passed by the Superintending Engineer, Road Construction Department, Road Circle, Purnea.

(iv) For issuance of writ in the nature of certiorari for quashing of letter no. 334 dated 18.05.2020 issued by the Superintending Engineer, Road Construction Department, Road Circle, Purnea in response to the representation made by the petitioner no. 1, 2 and 3, he has directed to act upon his direction.

(v) For issuance of writ in the nature of certiorari for quashing of letter no. 501Anu dated 30.07.2020 issued by the Superintending Engineer, Road Construction Department, Road Circle, Purnea whereby the petitioners have been included in the seniority list of Lower Division Clerk.

(vi) For staying the recovery from the salary of the petitioners pursuant to the order issued by the Superintending Engineer during the pendency of this writ application.”

A supplementary counter affidavit is said to have been filed on behalf of the Respondents-State of Bihar, copy of which has been served on the learned counsel for the petitioners.

It has been submitted on behalf of the parties on the basis of the averments made in the supplementary counter affidavit that the office order No. 74 dated 17.12.2018 has since



been withdrawn by the State-Respondents and similarly the letter dated 07.03.2020 has also been withdrawn.

Learned counsel appearing on behalf of the petitioners has submitted that the respondents are required to pay to the petitioners, their legal entitlements consequent upon withdrawal of the said order/ communication.

Considering the submissions made on behalf of the petitioners and the State of Bihar as noted above, this application is disposed of with a direction to the respondents to ensure that the petitioners are paid their legal entitlements consequent upon withdrawal of the said order/ communication within three months from the date of receipt/ production of a copy of this order.

I have noticed the fact that supplementary counter affidavit has not been placed on record.

Registry is directed to ensure that the said supplementary counter affidavit is tagged with the records of the present writ application.

(Chakradhari Sharan Singh, J)

Rajesh/-

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