

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25215 of 2019

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Kamlesh Kumar S/o Late Virendra Kumar Pandey Resident of Mohalla- D-23, Gandak Colony No. 3, Near I.T.I., Motihari, East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. The Principal Secretary Department of Finance, Govt. of Bihar, Patna.
3. The Principal Secretary W.R.D. Department, Govt. of Bihar, Patna.
4. The Chief Engineer Water Resources Department, Balmiki Nagar, District-West Champaran, Now Chief Engineer, Water Resources Department, Motihari.
5. The Chief Engineer Flood Control and Drainage, W.R.D. Muzaffarpur.
6. The Executive Engineer Flood Control Division, Motihari, East Champaran.
7. The Executive Engineer Champaran Division, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Shiya Ram Shahi Shally Kumari
For the Respondent/s	:	Mr.Harish Kumar (GP 8)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-02-2020 Heard counsel for the petitioner and counsel for the respondents-State.

Counsel for the petitioner submits that the petitioner is similarly situated as petitioners of CWJC No. 9921/2017[In the matter of Binit Kumar & others vs. State of Bihar & others and analogous cases].

Referring to the provision contained in clause 4C (I) of State Litigation Policy, 2011, he submits that the petitioner 's claim raised in the instant writ petition in so far as pay scale is



concerned, would be a “covered matter”.

Counsel for the State submits that if claim is a “covered matter” and it comes within the scope of clause 4C (I) of State Litigation Policy, 2011, similar relief may be granted to the petitioner.

Considering rival submissions, this court would observe that issue has to be examined by the authorities themselves. If petitioner's claim is covered by the said judgment in the case of Binit Kumar (Supra) he would be entitled to the same benefit as has been extended to the petitioners of the said case.

Petitioner's counsel submits that he would be approaching the respondent-authorities highlighting his claim for parity with the petitioners of CWJC No. 9921/2017 and analogous cases. He further submits that he would approach respondent no.4 (Chief Engineer, Water Resources Department, Motihari).

In view of such submissions, since consideration has to be done by the authorities, pendency of the instant writ would be futile.

If petitioner files his representation claiming parity within four weeks, respondent no.4 would be obliged to



consider the same and dispose it of by reasoned and speaking order in accordance with law within the period of three months from the date of receipt/production of a copy of this order.

Due and admissible monetary benefit should also be paid to the petitioner within eight weeks thereafter.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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