

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1548 of 2022

1. Rakesh Kumar Singh S/o Late Bhagya Narayan Singh Resident of Village-Bhorhopue, Ekma, Saran. Presently Working Assistant (Clerk) in the Office of District Malariya Officer, Saran at Chapra.
2. Niraj Kumar S/o Late Kanhaiya Rai, Resident of Vilalge-Bhundhari, P.O.-Chhitrawaliya, Ekma, Saran Presently Working as Assistant (Clerk) in Primary Health Centre, Mashrakh, Saran.
3. Mridul Sengupta, S/o -Late Kajai Kumar Sengupta, Resident of Village and Post-Garkha Bazar, Saran Presently Working as Assistant (Clerk) in the Office of Civil Surgeon, Chapra, Saran,
4. Dharmendra Ram S/o-Late Hardeo Harijan Resident of Vilalge-Kopra Bazar, Saran Presently Working as Assistant (Clerk) in Primary Health Centre, Ekma, Saran.
5. Sujeet Kumar S/o-Late Laxman Prasad Rai Resident of Chhatradhari Bazar, Hospita Chowk, P.S.-Bhagwan bazar, Chapra, Presently Working as Assistant (Clerk) in ANM School, Chapra, Saran.
6. Shashi Ranjan Kumar S/o Late Ashok Kumar Resident of Sadar Hospital Colony, P.O.-Bhagwan Bazar, Chapra, Presently Working as Assistant (Clerk) in Primary the Office of Civil Surgeon, Chapra, Saran.
7. Rajesh Kumar S/o Late Phulena Prasad Resident of Village and P.O.-Basdilla, P.S.-Jalalpur, Saran. Presently Working as Assistant (Clerk) in Officer of Civil Surgeon, Chapra, Saran.
8. Ranjeet Kumar Singh S/o Late Krishna Prasad Singh Resident of Munna Dhanuk Toli, Chapra. Presently Working as Assistant (Clerk) in Primary Health Centre, Marhowrah, Chapra, Saran.
9. Pawan Kumar Singh S/o Late Dhruwa Nath Singh Resident of Indr Nagar, Shiv Nagri, Chapra. Presently Working as Assistant (Clerk) in the Office of Primary Health Centre, Sadar Block, Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Civil Surgeon, Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gyan Shankar, Advocate
For the Respondent/s	:	Mr. S.D. Yadav, AAG 9
		Mr. Brij Bhushan Mishra, AC to AAG 9

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 09-05-2022



Heard learned counsel for the respective parties.

2. In the instant petition, petitioners have prayed for the following relief/reliefs:

“(i) Issuance of a writ, writ(s), order orders commanding the respondent authorities to grant the pay scale of Rs. 4000-6000 instead of Rs. 3050-4590 to the petitioners from the date of their appointment who are working as Assistants (Clerks) in different offices of the health department under Civil Surgeon, Saran considering the order passed by this Hon’ble Court in L.P.A. No. - 167 of 2016, CWJC No. - 17151 of 2018, CWJC – 21926 of 2018, CWJC No.- 1335 of 2020 and CWJC No. - 2587 of 2020 and other analogous cases in light of which other similarly situated persons like the petitioners who were also working as Clerk (Assistant) have been granted the pay scale of Rs. 4000-6000.

(ii) For commanding the respondent authorities to pay the arrears of difference salary to the petitioners in the revised scale of Rs. 4000-6000 from the date of their appointment with all consequential benefits.

(iii) For issuance of any other writ(s), order (s), or direction (s) as may be deemed fit and proper by this Hon’ble Court.”

3. On 24.03.2022, following order was passed:

“State counsel accepts notice for respondents.

Learned counsel for the petitioners submitted that the present matter is covered by earlier decisions passed in L.P.A. No. 167 of 2016 decided on 23.06.2017 and C.W.J.C. No. 188 of 2021 decided on



09.07.2021. Therefore, State counsel is hereby directed to get instruction from the concerned respondent as to whether the matter is covered by the aforesaid decisions or not?

Re-list this matter on 04.04.2022.”

4. Today learned counsel for the respondent-State submitted that in terms of para – 3 of the counter statement/affidavit filed on behalf of the respondent No. 3 – The Civil Surgeon, Saran at Chapra, matter could be disposed off with reference to C.W.J.C. No. 188 of 2021, decided on 09.07.2021.

5. Accordingly, the present petition stands disposed off in terms of the order passed in C.W.J.C. No. 188 of 2021, decided on 09.07.2021.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	12.05.2022
Transmission Date	

