

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9625 of 2021

1. Ram Krishna Dubey Son of Late Bhuneshwar Dubey Resident of Village- Baghur, P.s.- Agiaon Bazar, District- Bhojpur, Presently posted in the Office of District Education Officer, Bhojpur
2. Yayavar Smit Son of Late Ashok Kumar Resident of Village- Sankat Mochan Nagar , New Police Line, Arrah, P.s.- Arrah(T), District- Bhojpur, Presently posted in the Office of District Education Officer, Bhojpur
3. Rohit Kumar Son of Late Indradeo Ram Resident of Village- Tenduni, P.s.- Vikramganj, District- Rohtas, Presently posted in the Office of District Education Officer, Bhojpur
4. Ritu Raj Verma Son of Late Ram Narayan Verma Resident of at Mahajan Toli No.-1, Hospital Road, near Dr. K.B. Sahay, Arrah, P.s.- Arrah(T), District- Bhojpur, Presently posted in the Office of District Education Officer, Bhojpur
5. Anil Upadhyay @ Anil Kumar Upadhyay Son of Late Suresh Upadhyay Resident of Village- Paiga, P.s.- Barhara, District- Bhojpur, Presently posted in the Office of District Education Officer, Bhojpur
6. Vindeshwar Kashyap Son of Late Vishwanath Rai Resident of Village- Katharai, P.s.- Charpokhari, District- Bhojpur, Presently posted in the Office of District Education Officer, Bhojpur
7. Nand Kishor Singh Son of Late Ramayan Prasad Singh Resident of Village- Chaki, P.s.- Dhangai, District- Bhojpur, Presently posted in the Office of District Education Officer, Bhojpur
8. Vir Pratap Singh Son of Late Narendra Kumar Singh Resident of Village- Bhel Dumra, P.s.- Dhangai, District- Bhojpur, Presently posted in the Office of District Education Officer, Bhojpur
9. Ravi Ranjan Ojha Son of Late Raj Kumar Ojha Resident of Village- Basantpur, P.s.- Baniyapur, District- Saran, Presently posted in the Office of District Education Officer, Bhojpur
10. Raj Kumar Singh Son of Late Tapeswar Singh Resident of Village- Sarai, P.s.- Maner, District- Patna, Presently posted in the Office of District Education Officer, Bhojpur
11. Shiv Shankar Tiwari Son of Late Arun Kumar Tiwari Resident of Village- Karpura, P.s.- Sigori, District- Patna, Presently posted in the Office of District Education Officer, Bhojpur
12. Ranjan Kumar Son of Late Bashishth Narayan singh Resident of Village- Amlori, P.s.- Siwan (Mu), District- Siwan, Presently posted in the Office of District Education Officer, Bhojpur
13. Vikas Ranjan Son of Late Yadav Chandra Vinay Resident of Village- Bagen, P.s.- Begen Gola, District- Buxar, Presently posted in the Office of District Education Officer, Bhojpur
14. Ashish Kumar Son of Late Umesh Prasad Resident of Mohalla- Mitha Kuwan Nawada, P.s.- Nawada, District- Bhojpur, Presently posted in the Office of District Education Officer, Bhojpur



15. Anurag Kumar Son of Late Dashrath Prasad Resident of D.T. Road, behind Town plus 2 High School, Arrah, P.s.- Arrah(T), District- Bhojpur, Presently posted in the Office of District Education Officer, Bhojpur
16. Manish Kumar Son of Late Bhanu Yadav Resident of Village- Harnichak, P.s.- Beur, District- Patna, Presently posted in the Office of District Education Officer, Bhojpur
17. Rakesh Kumar Manjhi Son of Late Rajendra manjhi Resident of Village- Siswa, P.s.- Barharia, District- Siwan, Presently posted in the Office of District Education Officer, Bhojpur
18. Aman Son of Late Sita Ram Paswan Resident of Village- Basudevpur, P.s.- Kalyanpur, District- Samastipur, Presently posted in the Office of District Education Officer, Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Main Secretariat, Patna
2. The Principal Secretary, General Administration Department, Bihar, Main Secretariat, Patna
3. The Principal Secretary, Department of Finance, Bihar, Main Secretariat, Patna
4. The Principal Secretary, Department of Education, Bihar, Vikash Bhawan, Bailey Road, patna
5. The Director (Secondary Education) Department of Education, Bihar, Vikash Bhawan, Bailey Road, Patna
6. The Regional Deputy Director of Education, Patna Division, Patna
7. The District Magistrate, Bhojpur at Arrah
8. The District Education Officer, Bhojpur at Arrah

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rana Ishwar Chandra, Advocate
For the Respondent/s	:	Mr. Madhaw Pd. Yadaw, GP 23
		Mr. Rajesh Kr. Sinha, AC to GP 23

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 08-03-2022

Heard learned counsel for the parties.



2. Unnecessarily petitioners have impleaded respondent Nos. 1 to 4. The grievance of the petitioner is required to be redressed by respondent Nos. 5 to 8.

3. The petitioner is hereby directed to delete respondent Nos. 1 to 4 during the course of the day.

4. State counsel accepts notice for respondent Nos. 5 to 8.

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

“(i) For commanding and directing the concerned respondent to grant the pay scale of Rs. 4000-6000/- to the petitioners as the similarly situate employees are getting the same scale in Munger Division as well as in Patna Division also in compliance of Orders of his Hon’ble Court (Annexure-3 and 4).

(iii) For directing the concerned respondent(s) to pay the difference of the pay scale to the petitioners as the petitioners are entitled for the pay-scale of Rs. 4000-6000/- , i.e. in revised pay scale of grade pay PB-1(2400) and also the consequential benefits, thereof.

(iii) For grant of such other relief(s) for which the petitioners may be found entitled in the facts and circumstances of this case.”

6. Short question for consideration is whether petitioners are entitled to a particular pay-scale of Rs. 4000-6000/- in the



revised pay-scale of Grade Pay PB-1 2400 or not? In this regard, the petitioners submitted representation *vide* Annexure – 7.

7. Learned counsel for the petitioners submitted that grievance of the petitioners have not been redressed by the competent authority. He has also submitted that the matter is squarely covered by decisions at Annexures 8 and 9.

8. *Per contra*, learned counsel for the respondents-State disputed the contention raised by the petitioners stating that the petitioners are not entitled to the relief sought in the present petition and he is also relying on some judicial pronouncements *i.e.* Annexures F, G, H, I. In the light of these disputed facts, the competent authority is hereby directed to pass a speaking order with reference to service particulars of each of the petitioner read with the relevant provision of law and thereafter verify as to which judicial pronouncement is applicable to the petitioners whether Annexures 8 and 9 or Annexures F,G,H,I.

9. After due analyzing the factual aspects and provision of law read with the principles laid down by this Court, necessary speaking order shall be passed and communicated to each of the petitioner with reference to their service particulars. The above exercise shall be completed within a period of six months from the date of receipt of this order.



10. With the above observations, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	10.03.2022
Transmission Date	

