

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19570 of 2014

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1. Uday Kumar Singh, son of late Bansropan Singh, resident of Goyan, P.O. Mamrajpur, P.S. Chanari, district Rohtas (Sasaram)
 2. Mukesh Kumar, son of Ramanand Singh, resident of village – P.O. Auta, P.S. Hathidah, District Patna
 3. Shyam Bihari Pal, son of Kameshwar Pal, resident of village Babura, P.O. Babura, P.S. Barharwa, Dist-Arra (Bhojpur)
 4. Pramod Kumar Singh, son of Sri Lalita Singh, resident of village Bandipur, P.O. & P.S. Ramgarh, District Kaimur Bhabua
 5. Hareshwar Singh, son of late Suryanath Singh, resident of Chotatap P.O. Ekbalganj Nirashrpura, P.S. Bihta, District Patna
 6. Umesh Singh, son of Gupteshwar Singh, resident of village Katyara, P.O. Jharawa, P.S. Manash (Dinara) District Rohtas (Sasaram)
 7. Lallan Kumar Singh, son of late Maheshwar Singh, resident of Sultanpur West, P.O. Sultanpur West, P.S. Moddin Nager, District Samastipur
 8. Rajesh Kumar Singh, son of Satyanand Singh, resident of Gaytri Nagar Rukanpur, P.O. B.V. College, Patna, P.S. Rupaspur, District Patna
 9. Vikash Kumar Pandey, son of Rajnath Pandey, resident of village Domandihra P.O. Khanni Kala, P.S. Agigao Bazar, District Bhojpur (Arra)
 10. Dinesh Thakur, son of late Vishwanath Thakur, resident of village P.O. Bajaraon, P.S. Oan, District Kaimur (Bhabua) ... Petitioners

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
 2. The D.G.-cm-I.G. of Police, Bihar, Patna
 3. The DIG of Police, Central Zone, Patna
 4. The Commandant, BMP 14, Patna ... Respondents
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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr.Kumar Pankaj, AC to SC V

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 12-12-2022 No one appears for the petitioners.

Learned counsel for the State submits that the petitioners ought not be granted salary or arrears of salary as they were appointed in 2002 after the Court directed for re-measurement of height of the petitioners. Learned counsel relies on the judgment passed by the coordinate Bench of this



Court in the case of Sanjay Kr. & Ors. Vrs. State & Ors. passed in C.W.J.C. No. 12243 of 1999 decided on 11.03.2005. This Court has considered the order passed by the coordinate Bench and find that the coordinate Bench passed following order :

“Having heard the counsel for the parties, I am of the view that in the peculiar facts of this case, directions for payment of salary to the petitioners for the period during which they were not appointed on the post of Constable could not be issued as from the orders of this court dated 12.11.1998 itself it appears that petitioners were appointed on the post of Constable after remeasurement taken in compliance of the orders of this court and during that period petitioners never served as Constable, as such, on the principle of no work no pay petitioners are not entitled for salary before appointment. So far the prayer for grant of seniority and increments, as has been allowed to others appointed pursuant to advertisement No. 1/1993, is concerned, the same should be given to the petitioners as the Chairman of the Selection Board and others were obliged to take the remeasurement on their own in the light of the instructions of the Director General of Police dated 15.12.1993, annexure 3, to the earlier writ case and this court had passed the order dated 12.11.1998 for remeasurement of the petitioners only on the failure of the authorities to comply the instructions of the Director General of Police dated 15.12.1993,



annexure 3.

With the aforesaid observations/directions, the present writ application stands disposed of. No cost.”

The case of the petitioners is identical to the aforesaid and in view of the above orders similar orders are passed in the present case. The petitioners would be granted the same benefit as given to the petitioners thereon within a period of three months.

This writ petition stands allowed to the aforesaid extent.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 4

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