

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10049 of 2022

1. Dhananjay Kumar, Son of Late Ramashankar Ram, Resident of Adarsh Vihar Colony, Sadikpur, Rukanpura, P.S.- Rupaspur, District- Patna.
2. Dhananjay Kumar Sinha, Son of Late Nagendra Kumar Sinha, Resident of Karsilli, Vishnupad Road, P.S.- Vishnupad, District- Gaya.
3. Sanjay Kumar, Son of Late Shyambabu Prasad, Resident of Front of Mashjid Wali Gali, Near Pokhar Bhawan, Rajapur, Mainpura, P.S.- Patliputra, District- Patna.
4. Subodh Kumar, son of Late Ramswarup Singh, Resident of Village- Narhat, P.S.- Narhat, District- Nawada.
5. Niranjan Kumar, son of Late Prabhunath Singh, Resident of Mahatma Gandhi Path, Kurji Balupar, House No. 34, Digha, P.S.- Digha, District- Patna.
6. Subhash Rajbanshi, Son of Late Keshar Rajbanshi @ Keshar Ram, Resident of Village- Rengna Khanpur, P.S.- Wazirganj, District- Gaya.
7. Sanjay Kumar Son of Late Surendra Ram, Resident of C/2, Road No. 4, R Block, P.S.- Sachiwalaya, District- Patna.
8. Santosh Kumar, Son of Anup Prasad, Resident of Mauli Nagar, P.S.- Maner, District- Patna.
9. Raju Kumar Sah, Son of Late Kishori Sah, Resident of Village- Rahmanpur, P.S.- Garkha, District- Saran.
10. Ashok Kumar Son of Late Rajeshwari Prasad, Resident of Mithapur B Area, P.S.- Jakkanpur, District- Patna.
11. Balwant Kumar Singh, Son of Bhola Singh, Resident of Village- Charali, P.S.- Bhagwanpur, District- Siwan.
12. Ramesh Kumar, Son of Ramdayal Singh, Resident of Village- Dhanaut, P.S.- Rupaspur, District- Patna.
13. Suraj Kumar, Son of Late Krishna, Resident of Riding Road, Sanjeevni Gali, Junior Public School, Sheikhpura, P.S.- Airport, District- Patna.
14. Manish Kumar Gautam, Son of Shyam Bali Sharma, Resident of 77 East Side, Village- Khanpura, P.S.- Kherimore, District- Patna.
15. Md. Shamshad, Son of Late Aziz, Resident of North Mandiri, P.S. Budha Colony, District- Patna.
16. Gopal Pathak, Son of Late Kavendra Pathak, Resident of Shivpur Motijheel, P.S.- Town, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Engineer-in- Chief-cum-Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.



3. The Chief Engineer (Mechanical), Public Health Engineering Department, Govt. of Bihar, Patna.
4. The Superintending Engineer, Public Health (Mechanical) Circle, Patna.
5. The Superintending Engineer, Public Health Design and Planning Circle- II, Patna.
6. The Superintending Engineer, Public Health Design and Planning Circle- III, Patna.
7. The Executive Engineer, Public Health (Mechanical) Division, Patna.
8. The Executive Engineer, Public Health (Mechanical) Division, Sasaram.
9. The Executive Engineer, Public Health (Mechanical) Division, Gaya.
10. The Executive Engineer, Planning and Design No. 8, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Rai, Advocate
For the Respondent/s : Mr.Arvind Ujjwal, S.C.-4
Mr. Upendra Pratap Singh, AC to S.C.-4

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 23-09-2022 Today being Friday, matters are being taken up through virtual mode as per current procedure for hearing.

The petitioners' claim is that their facts are squarely covered by decision in the case of Rahul Raja Vs. State of Bihar & others, decided by this Court in CWJC No.11466 of 2016, which has been disposed of for enabling consideration for grant of the scale of Rs.4000-6000/-, in light of the decision in CWJC No.9921 of 2017 and LPA No.1702 of 2017. The order has been passed considering the fact that the case was a covered matter under Clause 4.C(1) of the Bihar State Litigation Policy, 2011.

Since the petitioners' case is also a covered matter in terms of the State Litigation Policy, 2011 and the petitioners are



entitled to be extended the similar benefits which have been extended to the petitioner of CWJC No.9921 of 2017 and LPA No.1702 of 2017. The instant writ petition may also be disposed of in the same terms as CWJC No.11466 of 2016.

This fact is not disputed or denied by the learned State Counsel.

This Court would thus dispose of the writ application in terms of the order passed in CWJC No.11466 of 2016, relevant extract of which reads as follows :

"5. The issue regarding scale of Rs.4000-6000/-, maintaining parity with that granted to Accounts Clerk appointed on compassionate ground after 28.09.1999 was decided by order of this Court in the case of *Binit Kumar Versus State of Bihar & Others* passed in CWJC No.9921 of 2017, as affirmed by the Division Bench of this Court in the proceedings arising out of LPA No.1702 of 2017, preferred by the State of Bihar against order passed in the case of *Binit Kumar (supra)*. The appointees as Correspondence Clerk after 28.09.1999 in terms of pronouncement made by this Court in the proceedings arising out of CWJC No.9921 of 2017 and LPA No.1702 of 2017 have been found to be entitled to the same pay scale as is being granted to the Accounts Clerk appointed on compassionate ground after 28.09.1999. The decision, therefore, squarely covers the claim of the petitioners inasmuch as there is no distinction in the claim of the instant petitioners vis-a-vis that of *Binit Kumar*



(*supra*).

6. In view of the issue being *covered matter* under Clause 4.C(1) of the Bihar State Litigation Policy, 2011, this Court would observe that in order to conduct themselves as an effective litigant under the Bihar State Litigation Policy, 2011, the State Government is obliged to extend the same benefits to the petitioner as has been extended upon in the case of *Binit Kumar (supra)*.

7. In view of the pronouncement of this Court, as affirmed by the Division Bench, order dated 14.09.2015 as well as order dated 29.03.2016 thereafter are unsustainable in law and the same are quashed. Petitioner is, therefore, entitled to the same benefits as has been extended in the case of *Binit Kumar (supra)*.

Writ petition is allowed in terms of the said judgment in the case of *Binit Kumar (supra)*."

Since admittedly petitioners are entitled to same benefits, writ petition is allowed accordingly.

(Madhuresh Prasad, J)

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