

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.786 of 2020

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1. Bhupendra Kumar, Son of Late Nawal Kishore Prasad Sinha, At present Resident of Mohalla-Vidyut Nagar, P.O. Danapur, P.S. Danapur, District-Patna.
 2. Pawan Kumar, Son of Late Raja Ram Pandit, Resident of Village and P.O.-Chetan Tola, Khutaha, P.S. Barahiya, , District-Lakhisarai.
 3. Saroj Kumar, Son of Late Munni Lal Singh, Resident of Flat No. 201, Sahaj Kunj, Mohalla Rupaspur, P.S. Rupaspur, District-Patna.
 4. Sandip Paswan, Son of Late Raja Ram Paswan, Resident of Mohalla-Sattar, Ward No. 10, P.S. Lakhisarai, District Lakhisarai.
 5. Manish Kumar, Son of Late Paras Nath Prasad, Resident of Village-Panchi, P.O. Panhaisa, P.S. Sheikhopur Sarai, District-Sheikhpura, At present West Ram Krishna Nagar, P.S. Dhelwa, P.S. Gaurki Chak, District Patna.
 6. Rajiv Kumar Singh, Son of Late Smt. Chandrabala Kumari, Resident of Village-Karhariya, Ward No. 7, Nagar Panchayat Banka, District-Banka.
 7. Sudhakar Acharya, Son of Late Diwakar Acharya, Resident of Village-Raipura, P.O. and P.S. Khaira, District Jamui.
 8. Ashutosh Kumar Mishra, Son of Nirmal Kumar Mishra, Resident of Village-Pachambha, P.O. Suhird Nagar, P.S. Mufassil, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Munger Division, Munger.
5. The District Education Officer, Munger.
6. The District Programme Officer (Establishment), Munger.
7. The District Education Officer, Sheikhpura.
8. The District Programme Officer (Establishment), Sheikhpura.
9. The District Education Officer, Begusarai.
10. The District Programme Officer (Establishment), Begusarai.
11. The District Education Officer, Khagaria.
12. The District Programme Officer (Establishment), Khagaria.
13. The District Education Officer, Jamui.
14. The District Programme Officer (Establishment), Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajnish Kumar Choubey, Advocate



For the Respondent/s : Mr.Madhukar Mishra, AC to SC-16

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 11-07-2022

Asserting the fact that the petitioners have also been appointed as clerks in 2005-2006, the petitioners' counsel submits that they ought to be placed in the revised pay-scale of Rs.4000-6000/- instead of their current scale of pay being Rs.3050-4500/-.

2. Reliance is placed on decision of Division Bench in LPA No.167 of 2016 in the matter of Avinash Kumar Chakerwarty vs. The State of Bihar.

3. The State has filed a counter affidavit, wherein specific stand has been taken that petitioners' appointment process was initiated much after 20.12.2000, i.e., in between 2003-2008. This fact is not denied or disputed by the petitioners.

4. The State Counsel has drawn attention of the Court towards the judgment of the Division Bench in the case of Avinash Kumar Chakerwarty (supra), wherein the Division Bench has taken note of the fact that the process of appointment was initiated in the year 1999 and selection was delayed due to procedural delay. It is under such circumstance that the parties before the Division Bench were not deprived of the benefits under Circular issued on 20.12.2000.



5. This distinction, based on undisputed facts, clearly puts the petitioners of the instant case in a class distinct from the petitioners who were parties to LPA No.167 of 2016. In view thereof, the petitioners cannot be permitted to claim parity with the petitioners of LPA No.167 of 2016.

6. No case is made out for issuance of direction to grant the revised pay scale maintaining parity with the petitioners in the case of Avinash Kumar Chakerwarty (supra).

7. At this juncture, petitioners’ counsel submits that Civil Review No.236 of 2019 has been filed seeking review of the decision in LPA No.167 of 2016. If the same succeeds, the petitioners may have a claim. Based on such hypothesis, this Court is not inclined to issue any direction, or observations.

8. The writ application is devoid of merit, and dismissed.

PNM

(Madhuresh Prasad, J)

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

