

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.115 of 2022

In

Civil Writ Jurisdiction Case No.8373 of 2020

-
1. Ramanand Sagar, son of Ramdeo Prasad, Resident of Mohalla- Parsobigha, Police Station- Barbigha, District- Sheikhpura.
 2. Kamal Nayan @ Kamal Neyan, son of Kailash Prasad, Resident of Mohalla- Narayanpur, P.S.- Barbigha, District- Sheikhpura.
 3. Ram Prasad Chaudhary, son of Hari Chaudhary, Resident of Mohalla- Narayanpur, P.S.- Barbigha, District- Sheikhpura.
 4. Mahesh Kumar, son of Ramdeo Singh, Resident of Sheopuri, P.S.- Barbigha, District- Sheikhpura.
 5. Asurari Prasad, son of Durga Prasad, Resident of Mohalla- Patel Nagar, P.S.- Barbigha, District- Sheikhpura.
 6. Uday Kumar Mantu, son of Naurangi Das, Resident of Mohalla- Shanti Nagar, P.S.- Barbigha, District- Sheikhpura.
 7. Gautam, son of Sahdeo Prasad, Resident of Village-Nagdih, P.S.- Barbigha, District- Sheikhpura.
 8. Vijay Singh, son of Ramanugrah Singh, Resident of Mohalla-Sheopuri, P.S.- Barbigha, District-Sheikhpura.
 9. Mukesh Kumar, son of Shailendra Kumar, Resident of Pain, P.S.- Sheikhpura, District-Sheikhpura.
 10. Vidyarthi Kumar, son of Kishori Prasad Yadav, Resident of Mohalla- Guffaphar Dhaneshwar Ghat, P.S.-Sohsarai, District-Sheikhpura.
 11. Rajendra Prasad, son of Bidhnath Prasad, Resident of Village- Lutaut, P.S.- Sheikhpura, District- Sheikhpura
 12. Md. Namul Hoda, Resident of Mohalla- Amdanda, P.S.- Amdanda, District- Bhagalpur
 13. Rekha Verma, Wife of Krishnandan Prasad Verma, Resident of Charuawan, P.S.-Barbigha, District-Sheikhpura.
 14. Umesh Rajak, son of Kishori Prasad, Resident of Mohalla-Mohallapur, P.S.- Barbigha, District-Sheikhpura.
 15. Saket Kumar, son of Ram Chandra Prasad Singh, Resident of Belaon, P.S.- Barbigha, District-Sheikhpura.
 16. Gajendra Kumar Pandey, son of Udit Pandey, Resident of Babhanbigha Road, P.S.-Barbigha, District-Sheikhpura.
 17. Dinesh Kumar, son of Bodhan Yadav, Resident of Village- Barui, P.S.- Barbigha, District- Sheikhpura.
 18. Mundrika Jha, son of Brahamdeo Jha, Resident of Village- Mehus, P.S.- Barbigha, District- Sheikhpura.
 19. Ashok Kumar, son of Dinesh Prasad Singh, Resident of Othama, P.S.- Barbigha, District-Sheikhpura.
 20. Anuj Kumar Pandey, son of Aditya Pandey, Resident of Village-Mafi Gali,



P.S.-Warsaliganj, District-Nawada.

21. Dhiraj Kumar, son of Tanik Prasad Singh, Resident of Village- Shekhpur Dih, Police Station- Shekhopur Sarai, District- Sheikhpura.
22. Rakesh Ranjan Sinha, son of Sidheshwar Prasad Singh, Resident of village- Pain, Police Station- Sheikhpura, District- Sheikhpura.
23. Vimal Kishor, son of Ramdas Yadav, Resident of Village-Dariyapur, P.S. Barbiga, District-Sheikhpura.
24. Md. Kalamuddin Ansari, son of Md. Yahiya Ansari, Resident of Village- Yahipur, Police Station- Sheikhpura, District- Sheikhpura.
25. Md. Mumtaz Alam, son of Abdul Matin, Resident of Village- Ramjanpur, Police Station- Barbiga, District- Sheikhpura.
26. Jitendra Kumar, son of Kishundeo Singh, Resident of Mohalla- Katari Road, Police Station- Barbiga, District- Sheikhpura.
27. Manoj Kumar, son of Bodhan Yadav, Resident of Barui, Police Station- Barbiga, District- Sheikhpura
28. Devendra Kumar, son of Gopal Sharana Gupta, Resident of Mohalla- Mandapsauna (Bangalipar), P.S. Barbiga, District-Sheikhpura.
29. Deepak Kumar @ Deepak Kumar Vernwal, son of Krishna Prasad Barnwal, resident of Mohalla-Girihinda, P.S. -Barbiga, District-Sheikhpura.
30. Renu Kumari, Wife of Rajeev Nayan, Resident of Village-Iday, P.S.- Barbiga, District-Sheikhpura.
31. Krishna Kumar, son of Satyawant Sao, Resident of Mohalla-Katra Chowk, P.S.-Barbiga, District-Sheikhpura.
32. Vinod Paswan, son of Moti Paswan, Resident of Mohalla-Katra Chowk, P.S.-Barbiga, District-Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sanjay Kumar, the Additional Chief Secretary-cum-the Principal Secretary, Education Department, Government of Bihar, Patna.
3. S. Siddharth, the Principal Secretary, Finance Department, Government of Bihar, Patna.
4. Amrendra Prasad Singh, the Director, Primary Education, Bihar, Patna.
5. Bimalesh Kumar Jha, the Joint Secretary, Education Department, Bihar, Patna.
6. Ranjit Paswan, District Education Officer, Sheikhpura.
7. Satish Singh, District Programme Officer (Establishment), Sheikhpura.
8. Avanish Kumar, Block Education Officer, Sheikhpura, District-Sheikhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar- Advocate



For the State : Mr. Kameshwar Kumar (GP-17)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 08-05-2023 Heard learned counsel for the petitioners and
learned counsel for the State.

The learned counsel for the petitioners submits that today a show-cause has been filed on behalf of the opposite parties wherein it has been stated that senior pay scale have been granted to all the 32 petitioners pursuant to order dated 03.02.2021 in C.W.J.C. No.8373 of 2020.

The learned counsel for the petitioners, thereafter, draws the attention of the Court to Annexure- A of the show-cause i. e. Office Order dated 28.04.2023 wherein it has been specifically stated that in the event, if L.P.A. No.421 of 2022 is allowed in that event, the petitioners will have to repay the amount given in pursuance of grant of matric trained pay scale.

The learned counsel for the petitioners submits that he has instruction to make submissions that petitioners have agreed to the said conditions. The leaned counsel next submits that though it has been stated in Annexure- A about



the payment, but the actual payment has not been made, to which the learned counsel for the State submits that once the State gives an undertaking before this Court, it just cannot be imagined that the State will violate its own undertaking which definitely would amount to a gross contempt.

After hearing the learned counsel for the State, the Court, for the present, is not inclined to proceed with the contempt application.

The contempt application is dismissed accordingly.

However, in the event, if the petitioners are not granted the consequential benefits as recorded in Annexure-A within a period of two weeks from today, the petitioners would be at liberty to file a further contempt application bringing to the notice of the Court that how the State with impunity has breached its own undertaking, based on pleadings made in the show-cause.

(Satyavrat Verma, J)

vikash/-

U			
---	--	--	--

