

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9717 of 2016**

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1. Sanjay Kumar S/o Late Nandkishore Pandey Presently Working as Lower Division Correspondence Clerk, Water Ways Division, Muzaffarpur, District-Muzaffarpur.
2. Kundan Kumar S/o Late Awadhesh Kumar Singh Presently Working as Lower Division Correspondence Clerk, Water Ways Division, Muzaffarpur, District-Muzaffarpur.
3. Sanjiv Kumar S/o Late Ramdeo Singh Presently Working as Lower Division Correspondence Clerk, Water Ways Division, Muzaffarpur, District-Muzaffarpur.
4. Sanjay Kumar S/o Late Asharfi Lal Ram Presently Working as Lower Division Correspondence Clerk, Water Ways Division, Muzaffarpur, District-Muzaffarpur.
5. Suraj Kumar S/o Late Raj Kumar Gupta Presently Working as Lower Division Correspondence Clerk, Water Investigation Drainage Circle, Muzaffarpur, District-Muzaffarpur
6. Jitendra Kumar S/o Late Vishundeo Sah Presently Working as Lower Division Correspondence Clerk, Tirhut Canal Division No. 1, Muzaffarpur, District-Muzaffarpur
7. Amit Kumar S/o Late Basukinath Presently Working as Lower Division Correspondence Clerk, Bagmati Division No. 1 Sitamarhi, District-Sitamarhi
8. Shaliesh Kumar Singh S/o Late Arjun Kumar Singh Presently Working as Lower Division Correspondence Clerk, Drainage Investigation Division, Muzffarpur, District-Muzaffarpur
9. Baidnath Prasad S/o Late Prahlad Roy Presently Working as Lower Division Correspondence Clerk, Head Works Circle, Bhagmati Nagar, Sitamarhi, District-Sitamarhi
10. Sarvar Alam S/o Late Shaiyad Abdul Samad Presently Working as Lower Division Correspondence Clerk, Planning and and Design Division No. 1, Muzaffarpur, District-Muzaffarpur
11. Jata Shankar Choudhary S/o Late Ram Sevak Choudhary Presently Working as Lower Division Correspondence Clerk, Flood Control Circle, Samastipur, District- Samastipur
12. Ranjit Kumar S/o Late Siyalal Roy Presently Working as Lower Division Correspondence Clerk, Flood Control Circle, Samastipur, District-Samastipur
13. Vishwanath Kumar S/o Late Ramanand Singh Presently Working as Lower Division Correspondence Clerk, Flood Control Division, Samastipur, District- Samastipur
14. Rajesh Kumar Singh S/o Late Krishnanandan Singh Presently Working as Lower Division Correspondence Clerk, Planning Investigation and Project Preparation Circle, Muzaffarpur, District Muzaffarpur
15. Harilal Patel S/o Late Mahadev Mahto Presently Working as Lower Division



Correspondence Clerk, Drainage Investigation Division, Muzaffarpur, District Muzaffarpur.

16. Mritunjay Kumar S/o Late Mahendra Narayan Lal Karn Presently Working as Lower Division Correspondence Clerk, Flood Control Circle, Darbhanga, District- Darbhanga.
17. Shashi Ranjan Kumar S/o Late Birendra Lal Presently Working as Lower Division Correspondence Clerk, Flood Control Circle, Darbhanga, District- Darbhanga.
18. Sandeep Kumar S/o Late Kapil Prasad Presently Working as Lower Division Correspondence Clerk, Flood Control Division, Darbhanga, District- Darbhanga.
19. Krishna Kumar S/o Late Motilal Sah Presently Working as Lower Division Correspondence Clerk, Tirhut Canal Circle, Ratwara, Muzaffarpur, District- Muzaffarpur.
20. Dhruv Kumar S/o Late Bindeshwar Prasad Trivedi Presently Working as Lower Division Correspondence Clerk, Tirhut Canal Circle, Ratwara, District- Muzaffarpur.
21. Manoj Kumar S/o Late Shatrughan Prasad Presently Working as Lower Division Correspondence Clerk, Tirhut Canal Circle, Muzaffarpur, District- Muzaffarpur.
22. Amar Maharaj S/o Late Manager Maharaj Presently Working as Lower Division Correspondence Clerk, Tirhut Canal Circle, Ratwara, Muzaffarpur, District- Muzaffarpur.
23. Prem Babu Mallik S/o Late Lala Mallik Presently Working as Lower Division Correspondence Clerk, Tirhut Canal Circle, Ratwara, Muzaffarpur, District- Muzaffarpur.
24. Brajesh Kumar S/o Late Dhruvdev Singh Presently Working as Lower Division Correspondence Clerk, Flood Control Division, Thakraha Shivar, Gopalganj, District- Gopalganj.
25. Bhupesh Kumar S/o Late Bhudev Sahay Presently Working as Lower Division Correspondence Clerk, Bhagmati Division No.1, Sitamarhi, District- Sitamarhi.
26. Deepak Kumar Sinha S/o Late Dharnidhar Prasad Presently Working as Lower Division Correspondence Clerk, Head Work Circle, Sitamarhi, District- Sitamarhi.
27. Ashok Kumar Mishra S/o Late Anirudh Mishra Presently Working as Lower Division Correspondence Clerk, Water Drainage Division, Sitamarhi, District- Sitamarhi.
28. Vikram Kumar Singh S/o Late Lakshman Singh Presently Working as Lower Division Correspondence Clerk, Water Ways Division, Muzaffarpur, District- Muzaffarpur.
29. Brajesh Kumar S/o Late Chandradev Ram Presently Working as Lower Division Correspondence Clerk, Water Ways Division, Muzaffarpur, District- Muzaffarpur.
30. Madhav Kumar Mishra S/o Late Yoganand Mishra Presently Working as Lower Division Correspondence Clerk, Tirhut Canal Division, Ratwara,



Muzaffarpur, District- Muzaffarpur.

31. Jitendra Prasad Kushwaha S/o Late Mahesh Bhakat Presently Working as Lower Division Correspondence Clerk, Bhagmati Division, Shivhar, District- Sitamarhi.
32. Tuntun Kumar Singh S/o Late Rajvallabh Singh Presently Working as Lower Division Correspondence Clerk, office of the Executive Engineer, Saran Canal Division, Madhoura, District Saran (Chapra).
33. Shubhash Kumar Singh S/o Late Lalan Singh Presently Working as Lower Division Correspondence Clerk, office of the Executive Engineer, Saran Canal Division, Madhoura, District Saran (Chapra).
34. Smt. Meena Devi W/o Late Vashudev Prasad Presently Working as Lower Division Correspondence Clerk, office of the Executive Engineer, Saran Canal Division, Madhoura, District Saran (Chapra).
35. Ravi Shankar Kumar S/o Late Raghuvansh Singh Presently Working as Lower Division Correspondence Clerk, office of the Executive Engineer, Saran Canal Division, Ekma, District Saran (Chapra).
36. Santosh Kumar Yadav S/o Late Parikha Choudhary Presently Working as Lower Division Correspondence Clerk, office of the Executive Engineer, Saran Canal Division, Ekma, District Saran (Chapra).
37. Narshingh Roy S/o Late Bhukhal Roy Presently Working as Lower Division Correspondence Clerk, Saran Canal Division, Siwan, District- Siwan.
38. Ankur Kumar S/o Late Jay Shankar Lal Srivastava Presently Working as Lower Division Correspondence Clerk, Flood Control Division, Thakranha Shivar, Gopalganj, District- Gopalganj.
39. Jafran Ahmad S/o Late Rafik Miyan Presently Working as Lower Division Correspondence Clerk, Flood Control Division, Thakranha Shivar, Gopalganj, District- Gopalganj.
40. Arvind Kumar Mishra S/o Late Banaras Mishra Presently Working as Lower Division Correspondence Clerk, Flood Control Division, Thakranha Shivar, Gopalganj, District- Gopalganj.
41. Anand Kumar Pandey S/o Late Ramekbal Pandey Presently Working as Lower Division Correspondence Clerk, Saran Canal Division, Siwan, District- Siwan.
42. Pappu Kumar Sharma S/o Late Janak Sharma Presently Working as Lower Division Correspondence Clerk, Saran Canal Division, Siwan, District- Siwan.
43. Santosh Kumar S/o Late Muktinath Presently Working as Lower Division Correspondence Clerk, Flood Control Division, Gopalganj, District- Gopalganj.
44. Bipin Kumar Verma S/o Late Umashankar Pd. Verma Presently Working as Lower Division Correspondence Clerk, Flood Control Division, Samastipur, District- Samastipur.
45. Subosh Kr. Kashayap S/o Late Dilkeswar Pd. Presently Working as Lower Division Correspondence Clerk, Water Drainage Circle, Samastipur, District- Samastipur.



46. Sunil Kumar S/o Late Ganga Pd. Mahto Presently Working as Lower Division Correspondence Clerk, Water Drainage Circle, Samastipur, District- Samastipur.
47. Vijay Kr. Jha S/o Late Ramakant Jha Presently Working as Lower Division Correspondence Clerk, Flood Control Division, Samastipur, District- Samastipur.
48. Sumit Sahaya S/o Late Braj Mohan Sahaya Presently Working as Lower Division Correspondence Clerk, Flood Control Division, Samastipur, District- Samastipur.
49. Chandan Kumar S/o Late Ramesh Pd. Shahi, Presently Working as Lower Division Correspondence Clerk, Water Drainage Circle, Samastipur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Finance Secretary, Department of Finance, Government of Bihar, Patna
3. The Secretary Expenditure, Department of Finance, Government of Bihar, Patna
4. The Principal Secretary, Water Resources Department, Government of Bihar, Patna
5. The Engineer-in-Chief-Cum-Additional Secretary-Cum-Special Secretary, Water Resources Department, Government of Bihar, Patna.
6. The Chief Engineer, Water Resources Department, Muzaffarpur
7. The Chief Engineer, Water Resources Department, Mechanical, Patna
8. The Chief Engineer, Water Resources Department, Samastipur, Distt. Samastipur
9. The Chief Engineer, Water Resources Department, Siwan, Distt. Siwan
10. The Superintending Engineer, Water Resources Department, Drainage Investigation Circle, Muzaffarpur
11. The Superintending Engineer, Water Resources Department, Tirhut Canal Circle, Muzaffarpur
12. The Superintending Engineer, Water Resources Department, Tirhut Canal Circle, Ratwara, Muzaffarpur
13. The Superintending Engineer, Water Resources Department, Head Work Circle, Bagmati Nagar, Sitamarhi
14. The Superintending Engineer, Water Resources Department, Irrigation Mechanical Circle, Muzaffarpur
15. The Executive Engineer, Water Resources Department, Water Ways Division, Muzaffarpur
16. The Executive Engineer, Water Resources Department, Tirhut Canal Division, Ratwara, Muzaffarpur
17. The Executive Engineer, Water Resources Department, Irrigation Mechanical Division, Muzaffarpur



18. The Executive Engineer, Water Resources Department, Bagmati Division No. 1, Sitamarhi
19. The Executive Engineer, Saran Canal Division, Madhaura, Siwan
20. The Executive Engineer, Saran Canal Division, Ekma, Siwan
21. The Superintending Engineer, Flood Control Circle, Darbhanga, Distt. Muzaffarpur
22. The Superintending Engineer, Flood Control Division, Thakraha Shivar, Gopalganj, Distt. Gopalganj

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Vasant Vikas, Adv.  
For the Respondent/s : Mr. Mahendra Prasad Verma, AC to SC-20

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      18-10-2023                      The present writ petition has been filed seeking the following reliefs:-

1(a). For issuance of an appropriate writ in the nature of certiorari for quashing the order dated 29.03.2016 passed by the Principal Secretary, Finance Department as contained in memo no. 2611 (Be) dated 29.03.2016 whereby and whereunder the claim of petitioners has been rejected as the correspondence clerk working in the Works Department of the State were granted the pay scale at par with Account Clerk working in different work Department without considering the points raised under representation dated 02.03.2016.

(b) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the Respondent Authorities to continue to pay the salary to the writ petitioners on the basis of pay



fixation allowed in their favour pursuant to the direction contained in memo no. 6338 dated 16.07.2015 read with the Resolution of the Finance Department contained in Resolution no. 3111 dated 25.03.2015 for which the writ petitioners are legally entitled in accordance with law but they have been denied their benefits since long back.”

2. At the outset, the learned counsel for the petitioners submits that the issue involved in the present case is squarely covered by a judgment dated 23.6.2017, passed in L.P.A. No. 167 of 2016 (*Avinash Kumar Chakerwarty & Others vs. The State of Bihar & Ors.*) as also by a judgment dated 19.9.2023, passed by the learned Division Bench of this Court in the case of *The State of Bihar & Ors. vs. Binesh Kumar Singh & Others* (L.P.A. No. 766 of 2019), hence, the present writ petition be disposed off in similar terms.

3. The learned counsel for the Respondent-State has not rebutted the aforesaid contention, advanced by the learned counsel for the petitioners and submits that the present writ petition be also disposed of in terms of the aforesaid Judgments rendered by the Ld. Division Bench of this Court.

4. In view of the aforesaid, I deem it fit and proper to dispose off the present writ petition in terms of the judgments,



rendered by the learned Division Bench of this Court in the case of *Avinash Kumar Chakerwarty & Others* (supra) and the one rendered in the case of *Binesh Kumar Singh & Others* (supra). The petitioners are directed to be granted similar benefits as have been granted to the other employees, by the aforesaid judgments dated 23.6.2017 and 19.9.2023.

(Mohit Kumar Shah, J)

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