

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9904 of 2016

1. Navin Kumar Srivastava S/o Late Ramdeo Prasad presently working as Upper Division Correspondence Clerk, Water Ways Division, Muzaffarpur, District Muzaffarpur.
2. Sri Kumar Ritesh S/o Late Pramod Shankar Prasad presently working as Upper Divisional Correspondence Clerk, Water Ways Division, Muzaffarpur, District Muzaffarpur.
3. Smt. Vimla Verma W/o Late Vinod Kumar Verma presently working as Upper Division Correspondence Clerk, Water Ways Division, Muzaffarpur, District Muzaffarpur.
4. Smt. Nisha Kumari W/o Late Baban Singh presently working as Upper Division Correspondence Clerk, Water Ways Division, Muzaffarpur, District Muzaffarpur.
5. Mukesh Ranjan S/o Late Jai Kishore Jha presently working as Upper Division Correspondence Clerk, Drainage & Investigation Circle, Muzaffarpur, District Muzaffarpur.
6. Arun Kumar Sinha S/o Late Ramchandra Pd. Verma presently working as Upper Division Correspondence Clerk, Drainage & Investigation Circle, Muzaffarpur, District Muzaffarpur.
7. Sri Divakar Kumar S/o Late Chintaharan Prasad Verma presently working as Upper Division Correspondence Clerk, Drainage & Investigation Circle, Muzaffarpur, District Muzaffarpur.
8. Sri Satyanarayan Choudhary S/o Late Ramchandra Choudhary presently working as Upper Division Correspondence Clerk, Tirhut Canal Division, Ratwara Muzaffarpur, District Muzaffarpur.
9. Ajay Kumar S/o Late Ramashray Mahto presently working as Upper Division Correspondence Clerk, Flood Control Circle, Samastipur, District Samastipur.
10. Mahesh Sahu S/o Late Mohit Sahu presently working as Upper Division Correspondence Clerk, Flood Control Circle, Samastipur, District Samastipur.
11. Ranjit Kumar S/o Late Awadh Bihari Shah presently working as Upper Division Correspondence Clerk, Drainage Circle, Samastipur, District Samastipur.
12. Ajay Kumar Mishra S/o Late Chandeshwar Mishra presently working as Upper Division Correspondence Clerk, Flood Control Division, Samastipur, District Samastipur.
13. Rajendra Mishra S/o Late Harimohan Mishra presently working as Upper Division Correspondence Clerk, Design Division No. 2, Samastipur, District Samastipur.
14. Chandeshwar Thakur S/o Late Poshan Thakur presently working as Upper Division Correspondence Clerk, Design Circle, Samastipur, District Samastipur.
15. Manoj Kumar Shah S/o Late Sobha Nath Prasad presently working as Upper



Division Correspondence Clerk, Design Circle, Samastipur, District Samastipur.

16. Md. Rashid Jubair S/o Late Abbu Jubair presently working as Upper Division Correspondence Clerk, Drainage Division, Chapra, District Chapra.
17. Shri Pashupati Thakur S/o Late Brijnandan Thakur presently working as Upper Division Correspondence Clerk, Head Works Circle, Bhagmati Nagar, Sitamarhi, District Sitamarhi.
18. Shri Ashok Kumar Sinha S/o Late Shiv Chandra Prasad presently working as Upper Division Correspondence Clerk, Planning Investigation and Project Preparation Circle, Muzaffarpur, District Muzaffarpur.
19. Shri Shambhu Kumar Singh S/o Late Nagendra Prasad Singh presently working as Upper Division Correspondence Clerk, Tirhut Canal Division No. 1, Muzaffarpur, District Muzaffarpur.
20. Shri Sanjay Kumar S/o Late Munan Singh presently working as Upper Division Correspondence Clerk, Planning and Design Division No. 3, Muzaffarpur, District Muzaffarpur.
21. Shri Shantanu Kumar Sinha S/o Late Ganesh Prasad Sinha presently working as Upper Division Correspondence Clerk, Drainage Division, Sitamarhi, District Sitamarhi.
22. Shri Krishna Murari Singh S/o Late Visundev Singh presently working as Upper Division Correspondence Clerk, Flood Control Circle, Darbhanga, District Darbhanga.
23. Hitendra Kumar Singh S/o Late Satyendra Kumar Singh presently working as Upper Division Correspondence Clerk, Flood Control Division, Darbhanga, District Darbhanga.
24. Anil Kumar S/o Late Jagdish Prasad presently working as Upper Division Correspondence Clerk, Flood Control Division, Darbhanga, District Darbhanga.
25. Ranjan Kumar S/o Late Jai Prakash Gupta presently working as Upper Division Correspondence Clerk, Saran Canal Division Maharajganj, Saran, District Saran.
26. Sudhir Kumar S/o Late Sukeshwar Prasad presently working as Upper Division Correspondence Clerk, Saran Canal Circle, Chapra, District Chapra.
27. Shri Mithila Bihari Shahi S/o Late Sita Ram Shahi presently working at Baikunthpuri, Bairiya, Post - M.I.T., P.S. - Ahiyapur, Distt. Muzaffarpur.
28. Shri Krishna Kumar S/o Late Vishuwanath Prasad Shahi presently residing in Vill - Khabra (Deeh), Post- Khabra, P.S. Kajimuhammadpur, Distt. - Muzaffarpur.
29. Shri Shivnath Sharan S/o Late Devki Nandan Prasad Verma presently residing in Vill+P.O. - Banouli, P.S. - Simra, Dist. Darbhanga.
30. Shri Chandra Kishor Singh S/o Late Bacchan Singh presently residing in Vill+P.O. - Manglapuri, P.S. - Sangrampur, Dist. East Champaran.
31. Shri Chandu Ram S/o Late Maherchand Ram presently residing in Vill & P.O. Ganipur Bejna P.S. Shakra, Dist. Muzaffarpur.



32. Shri Chandreshwar Prasad S/o Late Shukhram Prasad presently residing in Vill & P.O. Attardah (Das tola), P.S. Sadar, Post-Ramna, District Muzaffarpur.
33. Shri Brajkishor Prasad S/o Late Maheshwar Prasad presently residing in Mohalla Sidharthpuram, Lane No. 1, B - 3, Post Ramna, P.S. Sadar, Dist. Sitamarhi.
34. Shri Brajmohan Sinha S/o Late Rambabu Singh presently residing in Vill - Dayanagar, Post Ramnagar Bagahi, Via- Atri, P.S.- Belsand, Dist. Muzaffarpur.
35. Durga Prasad S/o Late Bhagwati Charan presently residing in Mohalla - Atardah Pokhariyapir Road P.S. Sadar, Distt. Muzaffarpur.
36. Anand Mohan Prasad S/o Late Bhola Prasad presently residing in mohalla New Colony Pokhariyapir Sadpura, P.S. Kajimohammadpur, Distt. Muzaffarpur.
37. Ganpat Ram S/o Late Balchan Ram resident of mohalla Atardh, Ward no. 31, P.S. Muzaffarpur Sadar, Distt. Muzaffarpur.

... .. 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 Superintending Engineer, Water Resources Department, Drainage Investigation Circle, Muzaffarpur
9. The Superintending Engineer, Water Resources Department, Tirhut Canal Circle, Muzaffarpur.
10. The Superintending Engineer, Water Resources Department, Tirhut Canal Circle, Ratwara, Muzaffarpur.
11. The Superintending Engineer, Water Resources Department, Head Work Circle, Bagmati Nagar, Sitamarhi
12. The Superintending Engineer, Water Resources Department, Irrigation Mechanical Circle, Muzaffarpur.
13. The Executive Engineer, Water Resources Department, Water Ways Division, Muzaffarpur.
14. The Executive Engineer, Water Resources Department, Tirhut Canal Division, Ratwara, Muzaffarpur.
15. The Executive Engineer, Water Resources Department, Irrigation



Mechanical Division, Muzaffarpur.

16. The Executive Engineer, Water Resources Department, Bagmati Division
No. 1, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikas
For the Respondent/s : Mr.Anshuman Singh- Gp24

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 Senior 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 except petitioner nos. 26 to 37 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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