

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6308 of 2023

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Anil Prasad Rajak Son of Late Kishori Baitha @ Kishori Rajak Resident of
Ward No. 03, Kharjamma, Mahnar, Police Station- Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Superintending Engineer, Road Construction Department, Magadh Road Circle, Gaya.
5. The Executive Engineer, Road Construction Division, Road Division Jehanabad.
6. The Executive Engineer, Road Construction Division, Road Division No. 1, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Munna Kumar Upadhyay, Adv.
For the Respondent/s : Mr.Uday Shankar Sharan Singh (GP-19)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-11-2023 1. The present writ petition has been filed seeking the
following relief(s):-

*“1.i. For issuance of writ in the nature of
Certiorari for quashing the letter no. 176 dated
08.02.2023 (Annexure-8) issued under the
signature of Superintendent Engineer Road
Construction Department Magadh Road, Circle
Gaya whereby and whereunder the service of
petitioner was revised in the category of lower
division clerk in lower scale in spite of the fact
that petitioner was appointed for compassionate
ground on 07.04.2003 on the post of Junior*



account clerk by the Superintendent Engineer Road Construction Department Magadh Road Circle Gaya at the scale of Rs. 3550/- 7 45901/- 6000/- as Junior Accounts Clerk resulted into recovery of amount after fixation of pay scale of the petitioner in lower scale.

ii. For issuance of writ in the nature of Mandamus for direction to the respondents authorities to merge the service of the petitioner on the post of Senior Account Clerk in the light of circular issued by the Finance Department Govt. of Bihar vide Letter no. 311 (vi) dated 25.03.2015 (Annex-9) of the writ petition.”

2. The learned counsel for the parties submit jointly that they are in agreement that the present case is squarely covered by the judgment rendered by a Co-ordinate Bench of this Court on 21.08.2017 in C.W.J.C. No.9921 of 2017 (Binit Kumar & Ors. vs. The State of Bihar & Ors.) and other analogous cases, which has been upheld, not only by the learned Division Bench of this Court by a judgment dated 11.07.2018, passed in L.P.A. No.1702 of 2017 (State of Bihar & Ors. vs. Binit Kumar & Ors.) and other analogous cases but also by the Hon'ble Apex Court.

3. In view of the aforesaid, this Court is of the opinion that since the case of the petitioner is covered by the judgment



rendered in the case of Binit Kumar & Ors. (supra), similar treatment should be given to the petitioner as well.

4. Having regard to the facts and circumstances of the case and considering the express agreement of the parties to the effect that the present case is squarely covered by the judgment rendered in the case of Binit Kumar & Ors. (supra), I deem it fit and proper to direct the respondent-authorities to grant similar treatment to the petitioner herein, as has been granted to the petitioners of the aforesaid case i.e. C.W.J.C. No.9921 of 2017, [Binit Kumar & Ors. (supra)], vide judgment dated 21.08.2017.

5. The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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