

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12849 of 2021

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Sudhir Kumar Gai Son of Late Jagat Narayan Prasad, Resident of Dalbar Road, Bibiganj, Danapur Cant, P.S. - Danapur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
3. The Principal Secretary, Finance Department, Bihar, Patna.
4. The Chief Engineer (Mechanical), Water Resources Department, Bihar, 70/84 New Punaichak, Patna.
5. The Superintending Engineer, Irrigation Electrical - Cum - Mechanical Circle, New Harding Road, Barrak No.-4, Patna.
6. The Executive Engineer, Irrigation Electrical - Cum - Mechanical Division, Walmi, At. - Karbighahia, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Advocate
For the Respondent/s : Mr.Binay Kirti Singh (Ga2)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-12-2023 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For direction on the respondents particularly the respondent Chief Engineer to revise the pay-scale of the petitioner in the scale of Rs.4500-7000 as prescribed for the post of Accounts Clerk together with arrears from the initial date of joining of service in light of the ratio laid down by the Division Bench of the Hon'ble High Court in L.P.A. no. 167 of 2016 as well as in C.W.J.C. no. 15956 of 2006 (Annexure-4), wherein the Hon'ble Court has been pleased to hold that for the procedural



delay committed by the respondents in appointing the petitioners of that case on the compassionate ground, there should not be discrimination for the sake of prescribed cut-off date.”

2. At the outset, the learned counsel for the petitioner has referred to an order dated 06.08.2013, passed by a co-ordinate Bench of this Court in CWJC No.12124 of 2011 (Ram Janam Jha and Ors. Vs. The State of Bihar and Ors.), as upheld by the learned Division Bench of this Court by a judgment dated 24.08.2016, passed in LPA No.206 of 2014, to submit that similar treatment be granted to the petitioner of the present case.

3. Per contra, the learned counsel for the respondents has submitted that the Chief Engineer (Mechanical), Water Resources Department, Bihar, Patna i.e. the respondent no.4, shall examine the case of the petitioner in light of the aforesaid judgments rendered in the case of Ram Janam Jha and Ors. (supra) and take a decision, within a period of eight weeks from today. It is directed accordingly.

4. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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