

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8547 of 2023

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1. Pramod Shankar Kumar S/o Late Chandrika Ravidas R/o- Vill. and P.O.- Suitha, P.S.- Parsa Bazar, Dist.- Patna, Presently Working as Clerk in Darbhanga Medical Collage, Laheriasarai, Darbhanga.
 2. Ashok Kumar Vishwakarma, S/o Late Ajnaso Devi R/o- Kati Factory Road, Kankarbagh, P.O.- Bahadurpur Housing Colony, P.S.- Agam Kuan, Dist.- Patna, Presently Working as Clerk in Bihar University of Health Science, Mithapur, Patna.
 3. Dinesh Kumar, S/o- Late Sahdeo Kewat R/o- Vill.- Hanuman Nagar, P.O.- Paktola, P.S.- Dumra, Dist.- Sitamarhi, Presently Working as Clerk in Darbhanga Medical Collage and Hospital, Laheriasarai, Darbhanga.
 4. Brajendra Kumar Singh, S/o Late Dr. Maheshwar Prasad R/o- Vill.- Bishnupura, P.O.- Gaura, P.S.- Marwhora, Dist.- Siwan, Presently Working as Clerk in Darbhanga Medical Collage, Laheriasarai, Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. The Director in Chief, Health Services, Govt. of Bihar, Patna.
4. The Principal, Darbhanga Medical Collage and Hospital, Laheriasarai, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Gyan Shankar, Advocate
For the State	:	Mr. Mujtabaul Haque, GP-12
		Mr. Vasant Vikas, AC to GP-12

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 10-10-2023 1. Heard learned counsel for the petitioners and
learned counsel for the State.

2. Learned counsel for the petitioners submits that the
petitioners were appointed after 28.09.1999 in the clerical cadre.
It is submitted that they are entitled to the scale of Rs. 4,000-
6,000, as modified from time to time in terms of decision/s



rendered by Division Bench of this High Court in the case of *Avinash Kumar Chakerwarty & Ors. vs. The State of Bihar and Ors.* passed in *LPA No. 167 of 2016*, as well as decision rendered by a coordinate bench in the case of *Binit Kumar and Ors. versus The State of Bihar and Ors.* passed in *CWJC No. 9921 of 2017*, and decision of Division Bench in the case of *State of Bihar & Ors. Vs. Biresh Kumar Singh & Ors.* recently decided in *LPA No. 766 of 2019*. For the claimed benefit, they have approached the Director-in-Chief, Health Services, Government of Bihar, Patna (Respondent No. 3) by filing representation (Annexure-18 series to the writ petition) and the claim is pending consideration.

3. In view of the grievance raised by the petitioners, the claim based on parity is yet to be considered by the Director-in-Chief, Health Services, Government of Bihar, Patna (Respondent No. 3). The court, therefore, is not called upon to adjudicate any issue at present.

4. The petitioners' representation (Annexure-18 series to the writ petition) is required to be considered and disposed of by the Director-in-Chief, Health Services, Government of Bihar, Patna (Respondent No. 3) by a reasoned and speaking order. The decision is required to be taken positively within eight



weeks from the date of receipt/production of a copy of this order along with a copy of petitioners' representation (Annexure-18 series to the writ petition). If dues are found admissible, it is needless to say, that the petitioners must be paid the same within a period of eight weeks thereafter.

5. Writ petition is accordingly disposed of.

(Madhuresh Prasad, J)

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