

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9275 of 2022

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1. Mukul Kumar Son of Late Babulal Rajak, Resident Village- Khajpura, P.S.- Hawaii Adda, District- Patna.
 2. Ram Naresh Chaudhary, Son of Late Ramashish Chaudhary, Resident of Oppo. Midway Hotel, Musahri, N.H-28, P.S. Sadar Bhagwanpur, District- Muzaffarpur.
 3. Sri Niwas Sharma, Son of Kamleshwar Sharma, Resident of Village- Murera, P.S.- Konch, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Secretary, SC and ST Welfare Department, Government of Bihar.
3. The Director, SC and ST Welfare, Government of Bihar.
4. The Additional Chief Secretary, Finance Department, Government of Bihar.
5. The District Welfare Officer, Kaimur.
6. The District Welfare Officer, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Pathak, Adv.
For the Respondent/s : Mr. Prashant Pratap (GP 2)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 04-02-2023 1. The petitioner by way of this writ petition has
prayed as under :-

*“1. That through the instant writ petition, the Petitioners
pray for the following Relief(s) :-*

*(I) To issue an appropriate writ(s)/ order(s)/ direction(s) in
the nature of Certiorari for quashing part of the order
bearing memo No. 1856 dated 19.05.2022 issued under the
signature of Director, SC & ST Welfare Department,
whereunder despite confirming the grant of the grade pay*



of 6600 pay band-3 (PB-3) under entry pay level 11, the actual benefits granted in terms of order No. 2069 dated 23.08.2018 under level 11C-4 have been withdrawn and order of recovery has been issued against the petitioners.

(II) To declare and hold that the petitioners have been rightly allowed the PB-3 under grade pay 6600 under Pay level 11C-4 by the SC & ST Welfare Department under the order dated 23.08.2018 of the Director after obtaining the approval from the Finance Department.

(III) To issue an appropriate writ/order/direction in the nature of mandamus directing the respondent authorities not to proceed with the recovery against the petitioners in light of the order dated 19.05.2022.

(IV) To issue an appropriate writ/ order/ direction in the nature of Mandamus directing the Respondent not to give effect to the order dated 19.05.2022 and to continue to pay the salary to the petitioners without any deduction in consonance with order dated 23.08.2018.

(V) To any other relief(s) that the petitioner is entitled to in the facts and circumstances of the case.”

2. Considering it that this matter is covered by the Judgment dated 23.02.2022, passed in C.W.J.C. No. 5489 of 2020 (Suresh Ram Vs. The State of Bihar & Ors.) and connected matters reported in 2022 (2) B.L.J. 381, 2022 (2) P.L.J.R. 80 and the Judgment dated 07.03.2022, passed in



C.W.J.C. No. 34 of 2022 (Minakshi @ Sushre Minakshi & Anr. Vrs. The State of Bihar & Ors.), this writ petition is dismissed with liberty to file appeal before the concerned District Appellate Authority.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 8

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