

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24678 of 2019

1. Kumar Shivajee Son of Late Jiran Prasad Chakravarty, Working as clerk in DEO Office, at and P.S. and District-Bhagalpur.
2. Pushpendra Kumar, Son of Late Chandeshwari Choudhary, Working as clerk in DEO Office, at and P.S. and District-Bhagalpur.
3. Dev Narayan Marandi, Son of Late Shivlal Marandi, Working as clerk in DEO Office, at and P.S. and District-Banka.
4. Vijay Kumar Choudhary, Son of Late Surya Narayan Choudhary, Working as clerk in Government Girls High School, at and P.S. and District-Bhagalpur.
5. Rajan Kumar, Son of Late Umakant Tiwari, Working as clerk in RDDE Office, at and P.S. and District-Bhagalpur.
6. Ashwini Kumar Awasthi, Son of Late Suresh Prasad Awasthi, Working as clerk in DEO Office, at and P.S. and District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director (Secondary Education) Govt. of Bihar, Patna.
2. The Director, Secondary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Bhagalpur.
4. The District Education Officer, Bhagalpur.
5. The District Education Officer, Banka.
6. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5244 of 2020

1. Mayank Mauli @ Mayank Manli Son of late Arun Chandra Pathak, Working as Clerk in Marbari High School, Gaya, P.S. Town, District- Gaya.
2. Khushtar Imam, Son of late Vilkis Jahan, Working as Clerk in High School Sakardas, Nawada, Gaya, P.S. Buniadganj, District- Gaya.
3. Balmukund Paswan, Son of late Radha Krishna Ram, Working as Clerk in Kisan High School Madardih, Gaya, P.S. Wazirganj, District- Gaya.
4. Nishant Kumar, Son of late Ravikanti Sinha, Working as Clerk in High School Jagati Vardiha, Gaya, P.S.- Guraru, District- Gaya.
5. Mritunjay Kumar, Son of late Kaushlendra Kumar, Working as Clerk in High School Kormathu Belaganj, P.S. Belaganj, District- Gaya.
6. Md. Hasnain, Son of late Md. Islam Working as Clerk in Gandhi High School Konch, Gaya, P.S. Konch, District- Gaya.



7. Brajendra Kumar, Son of late Rampyare Singh, Working as Clerk in 2 High School Bagdaha, P.S. Chandauti, District- Gaya.
8. Alok Prasad, Son of late Ramnarayan Singh, Working as Clerk in Agrawal High School Belaganj, P.S. Belaganj, District- Gaya.
9. Madan Kumar Sinha, Son of late Gokhula Prasad, Working as Clerk in Senulal Barnwal Project Kanya High School Manpur, P.S. Manpur, District- Gaya.
10. Md. Neshat Alam, Son of late Jabir Ahmad, Working as Clerk in 2 High School Rasalpur, P.S. Manpur, District- Gaya.
11. Vijay Kumar, Son of Jagdanand Pandey, Working as Clerk in 2 High School Chakand, P.S. Chakand, District- Gaya.
12. Manoj Kumar, Son of late Bhola Prasad Singh, Working as Clerk in High School Amarut Dobhi, P.S. Dobhi, District- Gaya.
13. Santan Kumar, Son of Late Rajaram Paswan, Working as Clerk in Kedarnath High School Tarwan, P.S. Fatehpur, District- Gaya.
14. Vijay Shankar , Son of late Sitaram Prasad Ajay, Working as Clerk in Agrawal High School Belaganj, P.S. Belaganj, District- Gaya.
15. Vinit Kumar, Son of late Brajesh Kumar, Working as Clerk in 2 Ramruchi Balika High School Chakand, P.S. Chakand, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, (Secondary Education), Govt. of Bihar, Patna.
2. The Director, Secondary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Magadh Division, Gaya.
4. The District Education Officer, Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6340 of 2020

1. Sachchida Nand Mishra, son of Late Rameshwar Mishra, working as clerk in Rajkiyakrit Gutttilal K. High School, at and P.S. - Ram Nagar, District- West Champaran.
2. Bipin Mahto, wife of Ram Awadhesh Mahto, working as clerk in Pro. Pra. Girls High School at Vrindavan Ashram, P.s.- Chanpatiya, District- West Champaran.
3. Satyendra Rao, son of Late Vindhychal Rao, working as clerk in Rajkiyakrit High School at Sarsiwa, P.S. Majhauria, District- West Champaran.
4. Wajid Ali, son of Late Abdul Hasan, working as clerk in Rajkiyakrit Aman Urdu High School at and P.S. Betiah, District- West Champaran.
5. Radheshyam Prasad Yadav, son of Late Sukhal Prasad Yadav, working as



- clerk in Rajkiyakrit Radheshyam High School , at Parsaini farm, P.S.- Chautarwa, District- West Champaran.
6. Devdatt Sharma, son of Late Shiv Pujan Sharma, working as clerk in Rajkiyakrit SSBS High School at Mehura, P.S.- Bagaha, District- West Champaran.
 7. Azaz Ahmad, son of Late Md. Hashim, working as clerk in in Pro. Girls High School at and P.S.- Sikta, District- West Champaran.
 8. Sarfuddin Baitha, son of Late Nek Mohammad Miya, working as clerk in Rajkiyakrit Janta High School, At and P.S. - Sikata, District- West Champaran.
 9. Arvind Kumar, son of Late Nandlal Ram, working as clerk in Pro. High School at Pakhnaha Bazar, P.S.- Bariya, District- West Champaran.
 10. Shailendra Kumar Mishra, son of Late Sachida Nand Mishra, working as clerk in Rajkiyakrit R.N. High School, At Kehuniya, P.S. Narkatiyaganj, District- West Champaran.
 11. Braj Bhushan Tiwari, son of Late Rameshwar Tiwari, working as clerk in Rajkiyakrit Champa Kunwar High School at And P.s. Lauria, District- West Champaran.
 12. Purushottam Kumar, son of Late Raghav Prasad, working as clerk in Pro. Girls High School at and P.S.- Bagaha, District- West Champaran.
 13. Prabhu Narayan Choudhary, son of Late Hemlal Choudhary, working as clerk in Rajya Samposhit Rajendra Smarak High School at and P.s.- Gobarhiyadon, District- West Champaran.
 14. Yadvendra Mahato, sonof Late Indramani Mahato, working as clerk in Rajkiyakrit Rajya Samposhit High School and P.S. Harnatar, District- West Champaran.
 15. Savita Kumari, D/o Late Dhruv Ojha, working as clerk in Rajkiyakrit D.M. Academy, at and P.S.- Bagaha, District- West Champaran.
 16. Vipin Bihari Tiwari, son of Late Bireshwar Tiwari, working as clerk in Rajkiyakrit Hardev Pra. High School at Madhubani, P.S.- Dhanna, District- West Champaran.
 17. Rakesh Ranjan Sinha, son of Late Akhileshwar Prasad, working as clerk in Rajkiyakrit High School Narkatiyaganj, P.S.- Shikarpur, District- West Champaran.
 18. Ajay Kumar, son of Late Dhruv Prasad, working as clerk in Rajkiyakrit Vipin High School, at and P.s.- Betiah, District- West Champaran.
 19. Manoj Kumar Dubey, son of Late Babu Babu Shahab Dubey, working as clerk in Rajkiyakrit Vipin High School at and P.s. - Betiah, District- West Champaran.
 20. Vijay Kumar, son of Prem Kumar Gupta, working as clerk in Rajkiyakrit Raj High School, at and P.s.- Betiah, District- West Champaran.
 21. Arun Kumar Pandey, son of Late Indrashan Pandey, working as clerk in Rajkiyakrit High School at Telua, P.S.- Bautan, District- West Champaran.

... .. Petitioner/s



Versus

1. The State of Bihar through the Director (Secondary Education) Govt. of Bihar, Patna.
2. The Director, Secondary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Muzaffarpur.
4. The District Education Officer, West Champaran at Betiah.

... ... Respondent/s

with

Civil Writ Jurisdiction Case No. 10055 of 2020

1. Shashi Bhushan Singh Son of Late Panchanand Singh Resident of Bright Career School, Near Garkha Dhala, Azad Nagar, P.O.- Sandha, P.S.- Chapra Mufassil, District- Saran at Chapra.
2. Sudhir Kumar Singh Son of Late Amresh Singh Resident of Village- Niyapur, P.O.- Gyaspur, P.S.- Siswan, District- Siwan.
3. Brajesh Kumar Son of Late Toshani Prasad Yadav Resident of Village- Jalalpur, P.O.- Rasalpur, P.S.- Doriganj, District- Saran at Chapra.
4. Anil Kumar Ram Son of Late Lal Bahadur Ram Resident of Village- Godna, P.O. and P.S.- Ribilganj, District- Saran at Chapra.
5. Khimeshwar Prasad Yadav Son of Late Rahubir Prasad Yadav Resident of Village and P.O.- Kerwan, P.S.- Ishuapur, District- Saran at Chapra.
6. Himanshu Shekhar Srivastava Son of Sri Bashishth Narayan Srivastava Resident of Mohalla- Mohan Nagar, P.S.- Chapra Mufassil, District- Saran at Chapra.
7. Pawan Kumar Son of Sri Krishna Pandey Resident of Mohalla- Gudri, P.O. and P.S.- Chapra Sadar, District- Saran at Chapra.
8. Niraj Kumar Nirala Son of Late Bhawani Rai Resident of Village- Pakawaliya, P.O.- Goraipur, P.S.- Dighwara, District- Saran at Chapra.
9. Bijendra Kumar Singh Son of Late Dineshwar Prasad Singh Resident of Village- Tarwan, P.O.- Ithmela, P.S.- Dighwara, District- Saran at Chapra.
10. Arvind Kumar Son of Late Sheo Shankar Prasad Resident of Village- Tengauli, P.O.- Kadamghat, P.S.- Hajipur, District- Vaishali.
11. Deepak Kumar Sah Son of Late Moti Lal Sah Resident of Village and P.O.- Agauthar Nanda, P.S.- Ishuapur, District- Saran at Chapra.
12. Chandan Kumar Son of Late Ganesh Lal Das Resident of Village- Havi Bhaur, P.S.- Bahera, District- Darbhanga.
13. Ashutosh Kumar Sharma Son of Sri Uma Shankar Sharma Resident of Village- Pithauri Takhat, P.O.- Paigambarpur, P.S.- Baniapur, District- Saran at Chapra.
14. Awadhesh Kumar Singh Son of Late Narbada Prasad Singh Resident of Village- Bheldi Nawada, P.O. and P.S.- Bheldi, District- Saran at Chapra.
15. Shashi Kumar Giri Son of Late Visheshwar Dayal Giri Resident of Hafiz Path, P.O. and P.S.- Bhagwan Bazar, Town and District- Saran at Chapra.



16. Pankaj Kumar Pal Son of Late Hira Lal Prasad Resident of Village- Baraipatti, P.O.- Kilpur, P.S.- Nautan, District- Siwan.
17. Upendra Kumar Kannauj Son of Late Narayan Ram Resident of Village- Srirampur, P.O.- Mathanpura, P.S.- Ekma, District- Saran at Chapra.
18. Swami Nath Bhakt Son of Bibhishan Bhakt Resident of Village- Pithauri Takhat, P.O.- Paigambarpur, P.S.- Baniapur, District- Saran at Chapra.
19. Manoj Kumar Son of Late Ram Hriday Tiwari Resident of Village- Lahladpur, P.O.- Pandwa, P.S.- Manjhagarh, District- Gopalganj.
20. Aftab Alam Son of Late Nesar Ahmad Resident of Village- Hakma, P.O. and P.S.- Garkha, District- Saran at Chapra.
21. Bablu Manjhi Son of Late Baldeo Manjhi Resident of Village- Ratan Sarai Malikana, P.O. and P.S.- Barauli, District- Gopalganj.
22. Kamlesh Pathank Son of Late Braj Kumar Pathak Resident of Village and P.O.- Sahuli, P.S.- Raghunathpur, District- Siwan.
23. Anil Kumar Singh Son of Late Keshav Prasad Singh Resident of Village- Phulwariya, P.O. and P.S.- Tazpur, District- Saran at Chapra.
24. Niraj Kumar Singh Son of Late Mithilesh Kumar Singh Resident of Village and P.O.- Kotheya, P.S.- Chapra Sadar, District- Saran at Chapra.
25. Rajesh Kumar Son of Late Ganesh Prasad Yadav Resident of Village- Fakuli, P.O.- Lauwan (Panapur), P.S.- Taraiya, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Secondary Education, Govt. of Bihar, Budh Marg, Patna.
3. The Regional Deputy Director of Education, Saran Division Chapra.
4. The District Education Officer, Saran at Chapra.
5. The District Education Officer, Siwan.
6. The District Education Officer, Gopalganj.
7. The District Programme Officer (Establishment), Saran at Chapra.
8. The District Programme Officer (Establishment), Siwan.
9. The District Programme Officer (Establishment), Gopalganj.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10659 of 2020

1. Om Prakash Yadav Son of Late Shiv Chandra Prasad Yadav Resident of Village- Hembardaha, P.O.- Maniyara, P.S.- Kuchaikote, District- Gopalganj, Presently working as Clerk at D.E.O. Office (Establishment), Gopalganj.
2. Shiv Narayan Baitha Son of Late Chandrabali Baitha Resident of Village-



Belwa Mishra, P.O.- Bhore, P.S.- Bhore, District- Gopalganj, Presently working as Clerk at D.E.O. Office (Establishment), Gopalganj.

3. Inamul Haque Son of Late Maqbool Ahmad Resident of Village- Shahbajwa, P.O., P.S. and District- Gopalganj, Presently working as Clerk at D.E.O. Office (Establishment), Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Secondary Education, Govt. of Bihar, Budh Marg, Patna.
2. The Director, Secondary Education, Govt. of Bihar, Budh Marg, Patna.
3. The Regional Deputy Director of Education, Saran Division, Chapra.
4. The District Education Officer, Gopalganj.
5. The District Programme Officer (Establishment), Gopalganj.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13198 of 2021

Bijay Kumar Gupta Son of Sri Janki Prasad Gupta Resident of Ward No. 26, Shahpur, P.S. and District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Director, Secondary Education, Govt. of Bihar, Budh Marg, Patna.
2. The Director Secondary Education, Govt. of Bihar, Budh Marg, Patna.
3. The Regional Deputy Director of Education Magadh Division, Gaya.
4. The District Education Officer Aurangabad.
5. The District Programme Officer (Establishment) Aurangabad.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 24678 of 2019)

For the Petitioner/s : Mr.Amaresh Kumar Singh

For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

(In Civil Writ Jurisdiction Case No. 5244 of 2020)

For the Petitioner/s : Mr.Amaresh Kumar Singh

For the Respondent/s : Mr.Jitendra Kumar Roy1 (Sc13)

(In Civil Writ Jurisdiction Case No. 6340 of 2020)

For the Petitioner/s : Mr.Amaresh Kumar Singh

For the Respondent/s : Mr.Jitendra Kumar Roy1 (Sc13)

(In Civil Writ Jurisdiction Case No. 10055 of 2020)

For the Petitioner/s : Mr.Bipin Bihari Singh

For the Respondent/s : Mr.Lalit Kishore (Ag)

(In Civil Writ Jurisdiction Case No. 10659 of 2020)

For the Petitioner/s : Mr.Bipin Bihari Singh



For the Respondent/s : Mr.Lalit Kishore (Ag)
(In Civil Writ Jurisdiction Case No. 13198 of 2021)
For the Petitioner/s : Mr.Bipin Bihari Singh
For the Respondent/s : Mr.Kameshwar Kumar (Gp17)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

14 28-11-2023 1. All the writ petitions are having similar issues regarding grant of pay scale of Rs. 4000-6000/- to the petitioners who are working as Clerk in the Education Department. It is not disputed between the parties that similar issue was decided by a Division Bench of this Court in LPA No. 167 of 2016 vide order dated 23.06.2017 directing the respondents to pay the benefit of pay scale of Rs. 4000-6000/- to the writ petitioners with effect from the date of appointment. It is also not disputed that petitioners are similarly situated to those writ petitioners who were party to LPA No. 167 of 2016 as respondents.

2. Learned counsel for the petitioners submits that the order passed by LPA Court is being complied by the State authorities subject to final outcome of Civil Review No. 236 of 2019 preferred by the State which would be evident from letter bearing no. 1620 dated 23.01.2023 & 3628 dated 21.04.2023 issued by General Administration Department, Govt. of Bihar as well as Finance Department of Government of Bihar respectively. Learned counsel further submits that a Co-ordinate



Bench of this Court taking into consideration various orders passed by different Benches of this Court has granted similar relief to similarly situated persons in C.W.J.C. No. 188 of 2021 by order dated 09.07.2021.

3. On the other hand, learned counsel for the State submitted that two conflicting orders were passed by two Division Benches of this Court, one in favour of similarly situated petitioners and another in favour of the State. The two LPAs are LPA No. 167 / 2016 in which relief was granted to the petitioners and another is LPA No. 100 of 2012 in which order was passed in favour of the State. In view of two conflicting orders passed by LPA Courts, a Single Bench of this Court referred the matter before Larger Bench where the civil review filed by the State along with the two LPAs are pending consideration. He further submits that a civil review application has been filed against the order passed by LPA Bench of this Court in LPA No. 167 / 2016. Accordingly, submission is that all these writ petitions be listed after disposal of Civil Review No. 236 of 2019.

4. I have heard learned counsel for the parties and have gone through the materials on record. It appears that several Benches of this Court has passed order in favour of



similarly situated petitioners claiming pay scale of Rs. 4000-6000/- previously on the basis of Division Bench judgment of this Court passed in LPA No. 167 of 2016.

5. It is true that civil review preferred against the aforesaid judgment is pending before Larger Bench however the State in its General Administrative Department as well as Finance Department has come out with letters to comply with the order passed in LPA No. 167 of 2016 subject to final outcome of Civil Review No. 236 of 2019. Recently also by order dated 08.11.2023 District Magistrate, Kaimur (Bhabhua) has complied with the directions of LPA Bench granting pay scale of Rs. 4000-6000/- to similarly situated persons subject to final outcome of Civil Review No. 236 of 2019 pending before Larger Bench.

6. Bihar State Litigation Policy, 2011 in its clause 4.C(1) says as follows:

“4.C(1). A good number of cases are from the category of similar cases. Each government Department will aim to consider and settle the claim of the representationist / applicant employee / citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.”



7. Taking into consideration the fact that State Government has already come out with the decision to comply with the order passed in LPA No. 167 / 2016 subject to the final outcome of civil review and the litigation policy of the State Government and various orders passed by other Benches of this Court granting similar relief to similarly situated persons, in my opinion all the writ applications can be disposed of granting similar relief to the writ petitioners in terms of the order passed by Division Bench of this Court in LPA No. 167 of 2016.

8. Accordingly, the above writ petitions are disposed of exactly in terms of the order passed in LPA No. 167 of 2016. This however shall be subject to the final outcome of the result of Civil Review No. 236 / 2019 pending before Larger Bench.

9. It is made clear that benefit to the petitioners shall be granted subject to filing undertaking by them before the concerned authorities regarding refund of the amount received by them if the issue pending before Larger Bench / and / or Civil Review No. 236 / 2019 goes in favour of the State Government.

praful/-

(Anil Kumar Sinha, J)

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