

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15302 of 2021

-
1. Ranjit Kumar Jha Son of Late Devendra Jha, Resident of Village and P.O. Brahampura, P.S.- Manigachhi, District - Darbhanga. Working the Office of District Education Officer, Madhubani, District - Madhubani.
 2. Shailendra Samrat, Son of Late Nar Singh Narayan Sinha, resident of Sinha Adan, Opposite Watson School, Court Road, Madhubani, P.S. Madhubani, District - Madhubani. Working the Office of District Education Officer, Madhubani, District - Madhubani.
 3. Mukund Kumar Jha, Son of Late Chandra Shekhar Jha, resident of Village - Dhari, P.S. Bhandharadhari, District - Madhubani. Working the Office of District Education Officer, Madhubani, District - Madhubani.
 4. Manish Kumar Mishra, Son of Arun Kumar Mishra, resident of Village - Ader, Baijalpur, P.O. and P.S.- Ader Hat, Block - Benipatti, District - Madhubani. Working the Office of District Education Officer, Madhubani, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director Secondary Education Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education Patna, Division, Patna.
5. The District Education Officer, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sri Krishna Ranjan, Adv
For the Respondent/s : Mr.Jitendra Kr. Roy 1 (SC13)

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-09-2023 On mentioning slip being filed for priority listing,

the matter has been listed today under the heading ‘To Be

Mentioned’.

2. Soft copy and the hard copy of the second
supplement affidavit has been filed as per submission of the
petitioners.



3. Let the same be placed on record.

4. Heard learned counsel for the petitioners and learned counsel for the State.

5. Learned counsel for the petitioners submits that the petitioners are entitled to the Pay scale of Rs. 4,000- 6,000 in terms of decision of the Division Bench passed in ***L.P.A. No. 167 of 2016.***

6. Learned counsel for the State submits that entitlement to the Scale is subject to consideration by a Larger Bench in terms of order passed in ***Civil Review No. 236/2019*** and ***C.W.J.C. No. 23831/2018***, whereby and whereunder matter has been referred to a Larger Bench.

7. It is further submitted by learned counsel for the petitioners that there being no interim stay in respect of the orders which are pending consideration before the Larger Bench, the State authorities have been extending the benefit of the claimed scale pay subject to order being passed by the Larger Bench.

8. Learned counsel for the petitioners has referred to two departmental communications dated 10-11-2022, bearing Memo No. 10465 issued by the Finance Department and one letter dated 23-01-2023, bearing Memo No. 1620 issued by the



General Administration Department, Government of Bihar. It is further submitted that petitioners' representation for grant of benefit, copy of which is Annexure P/15 Series to the writ petition, is pending consideration before the Director Secondary Education Govt. of Bihar, Patna (respondent No. 3) and Regional Deputy Director of Education Patna, Division, Patna (respondent No. 4). Petitioners would be placing on record before respondent Nos. 3 and 4 the two communications of the Finance Department and General Administration Department, noted above, for consideration of grant of benefit on the ground of parity with others, who have been granted benefit, subject to the result of the proceedings pending before the Larger Bench.

9. Learned counsel for the petitioners submits that they would be filing their representations/ supplement to the representations within two weeks. If the same is done, it is expected that the respondent Nos. 3 and 4 will pass a reasoned and speaking order in accordance with law within eight weeks thereafter.

10. Accordingly, writ petition is disposed of.

(Madhuresh Prasad, J)

uttam/-

U			
---	--	--	--

