

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10570 of 2023

1. Shiv Shankar Gupta Son of Late Laxmi Kant Gupta Resident of Hanuman Tikari, In front of Kali Mandir, P.S.- Deoghar, District- Deoghar.
2. Jagar Nath Kaushal, Son of Late Lakhan Dev Prasad Resident of Quarter No. 2, PHED Campus, Police Line, P.S.- Tilka Manjhi, District- Bhagalpur.
3. Nishikant Kumar Son of Late Dev Narayan Yadav Resident of Village- Agwanpur, Ward No. 1, P.S.- Saharsa, District- Saharsa.
4. Shankar Dayal, Son of Late Sushil Kumar Sharma Resident of Village- Bishhariya, Ward No. - 06 P.O.- Sisia, P.S.- Kodha, District- Katihar.
5. Nirvay Kumar Nikunj, Son of Late Mahesh Prasad Mandal Resident of Ward No. 9, BanSHIPur, P.S.- Kahalgaon, District- Bhagalpur.
6. Dhananjay Kumar Paswan Son of Late Maheshwar Paswan Resident of Village- Khanpur, P.O.- Gazipur, P.S.- Tarapur, District- Munger.
7. Sumit Alok, Son of late Vijay Raghav Jha Resident of Village- Raka, P.O.- Parbatta, P.S.- Parbatta, District- Khagaria.
8. Akhilesh Kumar, Son of Late Mahesh Prasad Mandal Resident of Ward No. 10, BanSHIPur, P.S.- Kahalgaon, District- Bhagalpur.
9. Rajesh Kumar, Son of Jagnarayan Mahto Resident of Village- Bobil, P.S.- Beldaur, District- Khagaria.
10. Shashi Kant Pandey, Son of Late Chandramohan Pandey Resident of Village- Sikandarpur, P.O.- Kateshar, P.S.- Bihta, District- Patna.
11. Md. Aftab Alam, Son of Late Md. Shahjahan Resident of Village- Eqbal Nagar, Pani Tanki, P.S.- Kotwali, District- Gaya.
12. Ashish Kumar, Son of Late Arvind Kumar Sinha Resident of Basant Vihar Colony, Zero Mile, P.S.- Zero Mile, District- Bhagalpur.
13. Md. Muntka, Son of Md. Kasim Resident of Village- Singiyahi, P.S.- Pupri, District- Sitamarhi.
14. Pintu Kumar, Son of Late Amar Singh Resident of Village- Fazilabad, P.S.- Gopalpur, District- Patna.
15. Md. Salman, Son of Late Md. Jahur Ansari Resident of Village- Bhirkhi, Tuniyahi Road- 25, P.S.- Madhepura, District- Madhepura.
16. Amrendra Kumar Choudhary, Son of Late Ras Bihari Chaudhary Resident of Village- Khagra, P.S.- Dhoraiya, District- Banka.
17. Md. Gurfan Alam, Son of Late Md. Imran Alam Resident of Village- Taran, P.S.- Jokihat, District- Arariya.
18. Rishideo Yadav, Son of Late Ram Aashish Yadav Resident of Village- Barkarajpur, P.S.- Simri, Rajpur Kalan, District- Buxar.
19. Vijay Kumar, Son of Late Neman Ram Resident of Gewal Bigha, Police Line Road, Samir Takeya, Durga Asthan, P.S.- Rampur, District- Gaya.
20. Renu Kumari, Wife of Ajay Vishwakarma Resident of 126, Ved Nagar, Near Singh Petrol Pump, Rukanpura, P.S.- Rupaspur, District- Patna.



21. Neha Kumari, Daughter of Late Akhilesh Kumar Resident of Village- Ganguli Road, Khanjarpur, P.S.- Jagdishpur, District- Bhagalpur.
22. Ajay Paswan, Son of Late Chandeshwar Ram Resident of Raja Bazar, Salempur Dumra, Khagri, P.S.- Shastrinagar, District- Patna- 14.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Finance Department, Govt. of Bihar, Patna.
2. The State of Bihar through the Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief-cum- Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
4. The Chief Engineer (Mechanical), Public Health Engineering Department, Govt. of Bihar, Patna.
5. The Superintending Engineer, Public Health (Mechanical) Circle, Bhagalpur.
6. The Superintending Engineer, Public Health (Mechanical) Circle, Patna.
7. The Executive Engineer, Public Health (Mechanical) Division, Bhagalpur.
8. The Executive Engineer, Public Health (Mechanical) Division, Munger.
9. The Executive Engineer, Public Health (Mechanical) Division, Purnia.
10. The Executive Engineer, Public Health (Mechanical) Division, Patna.
11. The Executive Engineer, Public Health (Mechanical) Division, Sasaram.

... .. Respondent/s

Appearance :

For the Petitioners : Mr. Dhananjay Kumar Tiwary, Advocate
For the State : Mr. Arvind Ujjwal, SC-4
Mr. Maruth Nath Roy, AC to SC-4

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 3 03-10-2023 1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners, lower division clerks, are in the pay scale 5200-20200 carrying grade pay 1900. Their grievance is pendency of their representation (Annexure-9 to the writ petition) before the Superintending Engineer, Public Health



(Mechanical) Circle, Bhagalpur (Respondent No. 5) for grant of pay scale at par with the beneficiaries of the writ proceedings arising out of ***CWJC No. 9633 of 2016 (Lachhman Kumar & Ors. Vs. State of Bihar & Anr.)*** and ***LPA No. 766 of 2019 (State of Bihar & Ors. Vs. Biresh Kumar Singh & Ors.)***, it is submitted by learned counsel for the petitioners that though the petitioners were appointed on compassionate ground after the cut-off date i.e. 28.09.1999, their claim is being kept pending. The authorities are waiting for the petitioners to get orders of this Court.

3. Though the issue has been decided, and petitioners' claim being a "*covered matters*" is entitled to the same benefit in view of Clause 4.C(1) of the Bihar State Litigation Policy 2011, there is inertia on part of the respondents in not taking final decision on the petitioners' representation.

4. In view of the nature of grievance raised in today's proceedings, the learned State counsel submits that only if the petitioners are eligible, the benefit can be granted.

5. Since the issue is only of consideration of petitioners' claim for parity and no adjudication is called upon, the matter need not be kept pending.

6. This Court would thus dispose of the writ



application in terms of the order passed in ***CWJC No. 9633 of 2016***, relevant extract of which reads as follows :

“Since claim of the intervenors to the writ petition is to be examined in light of Bihar State Bihar State Litigation Policy, 2011 as well as in light of the decision in case of Binit Kumar (supra) taken note of herein above, this Court would only observe that if the intervelors’ case is similar to that of Binit Kumar (supra), State respondents would be obliged to extend the same benefits to the intervenor petitioners.”

7. Let Respondent No. 5 pass a reasoned and speaking order with respect to the petitioners’ representation (Annexure-9 to the writ petition) within three (03) months from the date of receipt/production of copy of this order.

(Madhuresh Prasad, J)

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