

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11032 of 2023

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1. Kaushlendra Kumar Son of Late Bangali Prasad, Working as Clerk in the office of District Magistrate, Patna in confidential section, at Patna, P.S.- Gandhi Maidan, District- Patna.
 2. Sheela Devi Wife of Late Tribhuwan Nath, Working as Clerk in the office of Sadar S.D.O. Patna, at Patna, P.S.- Gandhi Maidan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Finance Secretary, Government of Bihar, Patna.
2. The District Magistrate, Patna.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Amaresh Kumar Singh
For the State	:	Mr. Raghwendra Kumar, SC-22 Mr. Vikramadit, AC to SC-22

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 District Magistrate, Patna (Respondent No. 2) by filing representation (Annexure-8 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 District Magistrate, Patna (Respondent No. 2). The court, therefore, is not called upon to adjudicate any issue at present.

4. The petitioners' representation (Annexure-8 series to the writ petition) is required to be considered and disposed of by the District Magistrate, Patna (Respondent No. 2) 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-8 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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