

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11404 of 2023

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1. Nishant Prasad, Son of Late Shashi Bhushan Prasad, Resident of Mohalla-Tilha Mahavir Asthan, P.S.- Civil Lines, District- Gaya, presently working as Lower Division Clerk, Library and Information Centre, Bihar, Patna.
 2. Ashish Ranjan Pandey, Son of Late Yogendra Kumar Pandey, Resident of Village- Agarpura, P.O.- Babhangawan, P.S.- Barhara, District- Bhojpur, presently working as Lower Division Clerk, Library and Information Centre, Bihar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Finance Secretary, Finance Department, Govt. of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
4. The Director, Library and Information Centre, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Rakesh Kumar Sharma, Advocate
For the State	:	Mr. Kameshwar Kumar, GP-17

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. 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.***

3. 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.

4. 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.

5. He 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. He submits that petitioners' representations for grant of benefit, copies of which are Annexure- 5 series to the writ petition, are pending consideration before the Director, Secondary Education, Government of Bihar, Patna (Respondent No. 3). He would be placing on record before Respondent No. 3 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.

6. Learned counsel for the petitioners submits that he would be filing his supplement to the representations within two weeks. If the same is done, it is expected that the Respondent No. 3 will pass a reasoned and speaking order in accordance with law within eight weeks thereafter.

7. Accordingly, writ petition is disposed of.

(Madhuresh Prasad, J)

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