

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15216 of 2022

1. Manoj Kumar S/o Late Rambrikash Singh, Vill- Chak Rasulla, P.O. - Gaurav Nagar5, P.S.- Ben, Dist- Nalanda Bihar, Pin Code -803114, Presently working as Lower Division Clerk Public Health Engineering Department, Public Health Division, Jehanabad.
2. Tulshi Prasad S/o Late Sohrai Yadav, Vill- Meghu Bigha, Nanaura Road, Dist- Nawada Bihar, Pin Code - 805110, Presently working as Lower Division Clerk Public Health Engineering Department, Public Health Division, Nawada.
3. Satyendra Kumar S/o Late Awadh Kumar Pandey, Vill- Mohanpur, Dist- Nalanda Bihar, Pin Code- 803111, Presently working as Lower Division Clerk Public Health Engineering Department, Public Health Division, Nawada.
4. Shantanu Kumar S/o Late Rajeshwar Singh, Vill- Sahwajpur Saray Devi Asthan, Post- Sahwajpur Saray, Memcor, Dist- Nawada, Bihar, Pin Code-805122, Presently working as Clerk Public Health Engineering Department, Public Health Division, Nawada.
5. Arun Kumar Gupta S/o Late Hiranman Sah, Vill- Bithra, Post- Kurtha, Dist- Arwal, Bihar, Pin Code -804421, Presently working as Lower Division Clerk Public Health Engineering Department, Public Health Division, Nawada.
6. Avinash Kumar S/o Late Arun Kumar Patha, Vill- Shanti Kunj NEar Kamla Niwas, Chand Chaura, Post- Chand Chaura, Dist- Gaya, Bihar, Pin Code- 823001, Presently working as Lower Division Clerk Public Health Engineering Department, Public Health Engineering Circle, Gaya.
7. Rabi Devi W/o Late Arun Kumar, Vill- Kokarasa, Dist- Jehanabad Bihar Pin Code - 804407, Presently working as Lower Division Clerk Public Health Engineering Department, Public Health Division, Gaya.
8. Sanjay Kumar S/o Late Sitaram Prasad, Vill- Dandi Bag, Road No.- 01, Post -Chand Chaura, P.S.- Vishnupad, Dist- Gaya Bihar Pin Code- 823001, Presently working as Lower Division Clerk Public Health Engineering Department, Public Health Engineering Circle, Gaya.
9. Bipin Kumar S/o Late Siraram Sharma, Vill- Pachhiyandih, Post- Khalshadhibri Samay, Dist- Nawada Bihar Pin Code- 805104, Presently working as Lower Division Clerk Public Health Engineering Department, Public Health Division, Nawada.
10. Ranjeet Kumar S/o Late Kameshwar Singh, Vill- Shyam Nagar, Near Munshi Jee Ka Kabin, Dist- Jehanabad Bihar Pin Code- 804417, Presently working as Lower Division Clerk Public Health Engineering Department, Public Health Division, Jehanabad.
11. Raju Kumar S/o Late Sharda Mahto, Vill- Sherpur, Bind Waliya, Dist- Gopalganj, Bihar, Pin Code- 841501, Presently working as Lower Division Clerk Public Health Engineering Department, Public Health Division, Gopalganj.
12. Jalendra Kumar Singh S/o Late Bhagwat Prasad Singh, Vill-Kurthal, Dist-



Patna, Pin Code - 804453, Presently working as Lower Division Clerk Public Health Engineering Department, Public Health Division, Jehanabad.

13. Nirbhay Kumar Sinha S/o Late Gerjesh Kumar Sinha, Vill- Lok Nagar Dist- Jehanabad, Bihar Pin Code -804408, Presently working as Lower Division Clerk Public Health Engineering Department, Public Health Division, Jehanabad.
14. Shri Mani Kant Sahay S/o Late Shashibhushan Sahay, Near Hanuman Mandir Paharpur, Dist- Gaya Bihar Pin Code-804408, Presently working as Lower Division Clerk Public Health Engineering Department, Public Health Division, Gaya.
15. Birendra Kumar S/o Late Keshri Kishor, R/o- PNB Colony, Mustafa Bad, P.O. Rampur, Dist- Gaya Bihar Pin Code-823001, Presently working as Lower Division Clerk Public Health Engineering Department, Public Health Division, Gaya.
16. Rajendra Prasad S/o Late Chhabila Bhagat, Vill- Utrapatti, Post- Lari, P.S- Shakurabad, Dist- Jehanabad Pin Code-804421, Presently working as Lower Division Clerk Public Health Engineering Department, Public Health Division, Jehanabad.
17. Ashok Kumar S/o Rajendra Prasad, Vill- Tika Bigha, PS - Bodh Gaya, Dist- Gaya, Bihar, Pin Code- 824231, Presently working as Lower Division Clerk Public Health Engineering Department, Public Health Division, Jehanabad.
18. Rakesh Kumar Raushan S/o Ram Naresh Ram, R/o Village- Sonwan, P.O. Sonwan, PS Ghoshi, Dist- Jehanabad, Pin Code- 804405, Presently working as Lower Division Clerk Public Health Engineering Department, Public Health Division, Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Secretary (Expenditure) Department of Finance, Government of Bihar, Patna.
4. The Principal Secretary, Public Health Engineering Department, Govt. of Bihar.
5. The Engineer-in-Chief-Cum Additional Secretary-Cum-Special Secretary, Public Health Engineering Department, Bihar, Patna.
6. The Chief Engineer, (Mechanical), Public Health Engineering Department, Bihar, Patna.
7. The Chief Engineer, Public Health Engineering Department, Patna Zone, Patna.
8. The Superintending Engineer, Public Health Engineering Department, Mechanical Circle, Muzaffarpur, District- Muzaffarpur.
9. The Superintending Engineer, Public Health Engineering Department, Public Health Engineering Circle, Gaya, District- Gaya.



10. The Executive Engineer, Public Health Engineering Department, Public Health Division, Jehanabad, District- Jehanabad.
11. The Executive Engineer, Public Health Engineering Department, Public Health Division, Nawada, District- Nawada.
12. The Executive Engineer, Public Health Engineering Department, Public Health Division, Gaya, District- Gaya.
13. The Executive Engineer, Public Health Engineering Department, Public Health Division, Gopalganj, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Nikhil Kumar Agrawal, Advocate Ms. Aditi Hansria, Advocate
For the State	:	Mr. S. Raza Ahmad, AAG-5 Mr. Vishwambhar Prasad, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-09-2023 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. It is their grievance that others similarly situated have been allowed the pay scale 5200-20200 carrying grade pay 2400. The petitioners claim parity with the beneficiaries of such pay scale based on decision of this court passed in the case of *Biresh Kumar Singh & Ors. vs. The State of Bihar & Ors.* in CWJC No. 14664 of 2016.

3. It is submitted by learned counsel for the petitioners that relying upon earlier decision of this court in the case of *Binit Kumar & Ors. versus The State of Bihar & Ors.*



arising out of *CWJC No. 9921 of 2017*, the benefit has been granted. The petitioners' claim for the same benefit made before Respondent Nos. 8 and 9 vide Annexure-10 series, however, is yet to be considered.

4. This court finds that the representations are filed in June, 2022, more than a year back. 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.

5. Writ application is disposed of with direction to Respondent Nos. 8 and 9 to take a final decision on the petitioners' plea and grant benefits found due and admissible. Let the entire exercise be completed within eight weeks from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

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