

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20281 of 2021**

1. Deepak Kumar Son of Late Ram Narayan Singh Resident of L.I.G.H. Block No.13, Flat NO. 144, Hanumannagar, Kankarbagh, near Pani Tanki, Police Station-Patrkarnagar, District-Patna.
2. Abhishek Kumar Son of Late Gopal Prasad Singh Resident of Rambriksh BHawan, Pustakalay Lane East Lohanipur, Police, Station-Kasamkuan, District- Patna.
3. Sushree Pallavi Priya Daughter of Late Dinesh Chandra Sinha Resident of Harsh Raj Apartment, Flat No. 305, Road, No. 11, Patel Nagar, Police Station-Shashri Nagar, District-Patna.
4. Binay Kumar Son of Late Lalan Ram Resident of Chandpur Bela, Patna G.P.O. Police Station-Jakkanpur, District-Patna.
5. Md. Fazlurahman Son of Md. Yusuf, Resident of Dhaihanna Buzurgharna, Police, Station-Rajoun, District-Banka.
6. Asha Kumari Daughter of Jagannath Prasad Resident of Chakbrinda Gali, CH/18, Alkapuri Anishabad, Police Station- Gardanibagh, District-Patna.
7. Dinesh Chandra Jha Son of Late Bhuneshwar Jha Resident of Quarter NO.166/400 Rajbanshi Nagar, Near Nirikshan Bhawan, POLice Station-Shastri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secrerary, Government of Bihar, Patna.
3. The Principal Secretary, General Adm inistration Department, Government of Bihar, Patna.
4. The Principal Secreary, Education Department, Government, of Bihar, Patna.
5. The Director, Secondary Education, Government of Bihar, Patna.

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s | : | Mr. Bishwajit Kumar, Advocate |
| For the State        | : | Ms. Binita Singh, Sc- 28      |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      18-08-2023      Heard learned counsel for the petitioner and learned  
counsel for the State.

2.      Learned counsel for the petitioner submits that the



petitioner is 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 petitioner 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 his representation for grant of benefit, copy of which is Annexure- 7 to the writ petition, is pending consideration before the Director, Secondary Education, Government of Bihar, Patna



(respondent No. 5). He would be placing on record before respondent No. 5 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 petitioner submits that he would be filing his supplement to the representation within two weeks. If the same is done, it is expected that the respondent No. 5 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)**

Raj kishore/-

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