

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20273 of 2021

1. Dr. Sonu Ravi Son of Dinesh Singh Yadav, resident of Village - Bodhgaya Pachhatti, P.O. and P.S.- Bodhgaya Pachhatti, Near Anganbari Office, Bodhgaya, District - Gaya.
2. Dr. Ashok Akela, Son of Baleshwar Prasad Singh, resident of Village and P.O.- Dhana Dihri, P.S.- Model Town, District - Jehanabad.
3. Dr. Narendra Kumar, Son of Brahmadeo Prasad Azad, resident of Mohalla - Sri Krishna Vihar Colony, Near Health Institute Beur, P.O. and P.S.- Phulwarishari, District- Patna.
4. Dr. Anil Kumar, Son of Lakshman Prasad, resident of Village and P.O.- Murarpur, P.S.- Laheri (North of Union Bank), District- Nalanda, Biharsharif.
5. Dr. Trilok Jeet, Son of Vijendra Prasad Singh, resident of Village and P.O.- Chiksoura, Hilsa, District - Nalanda.
6. Dr. Abhay Kumar, Son of Dr. Gopal Prasad Sinha, resident of Mohalla and P.O.- Panchvati Nagar, Rajendra Nagar, Sampatchak, District - Patna.
7. Dr. Shailesh Kumar, Son of Girijesh Sharma, resident of Village and P.O. Kurtha Khemkaran Saray, Kurtha, District - Arwal.
8. Purushotam Kumar, Son of Srikant Prasad, resident of Village and P.O.- Nehalpur, District - Jehanabad.
9. Puja Ragini, Wife of Satyarth Anshu, resident of Mohalla and P.O. - Ramkrishna Nagar, Jaganpura, Sampatchak, District - Patna.
10. Bindhyachal Kumar Sinha, Son of Ramchandra Singh, resident of Village and P.O.- Near Reliance Tower, Lakhibag, Masaurhi, District - Patna.
11. Banshidhar Mohan Kumar, Son of Ramashish Mahto, resident of Village- Mohiuddinpur, P.O.- Warisaliganj, District - Nawada.
12. Master David, Son of Jogendra Ram, resident of Mohalla - Parsuram Colony, Kumhrar Gumti, Sandalpur More, Mahendru, P.O. Mahendru, P.S.- Sultanganj, District- Patna.
13. Ajay Kumar Ram Suman, Son of Yogendra Ram, resident of Village and P.O. Ambika Smriti Mohanpur Road, Kewat Tola, Bihariganj, District - Madhepura.
14. Sanjeet Kumar, Son of Madan Prasad, resident of Village Mastalipur, P.O.- Baragendhar, P.S.- Muffasil, District - Gaya, Bihar.
15. Indrajeet Kumar, Son of Shivdani Prasad, resident of Mohalla and P.O. Shiv Basanti Kuteer, Road No.3, RMS Colony, Kankarbagh, District- Patna.
16. Dr. Santosh Kumar, Son of Sri Shiv Shankar Prasad, resident of Village - Adampur, P.O. - Torni, P.S.- Shivsagar, District- Rohtas.
17. Madhusudan Kumar, Son of Bundela Prasad, resident of Village- Jhanchak, Pasanghi, Nalanda P.O.- Pasanghi, P.S.- Ekangar Sarai, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Principal Secretary, Finance Department, Government of Bihar.



3. The Principal Secretary, General Administration Department, Government of Bihar.
4. The Secretary, Agriculture Department, Government of Bihar, Patna.
5. The Director, Agriculture Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Y.V Giri, Sr. Advocate
Mr. Pranav Kumar, Advocate
For the Respondent/s : Mr. Pawan Kumar, AC To AG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-01-2023

Petitioners have prayed for the following relief(s):-

- i. To declare Rule 7 of 2014 Rules by which the scale of Rs.5200- 20,200 with grade pay Rs. 2800 of Agriculture Co-ordinator has arbitrarily fixed lower than their other counter parts, similar qualified and discharging similar functions and further direct to issue an appropriate writ(s) order(s)/ direction(s) in the nature of *mandamus* commanding the respondents to amend Rule 7 of Agriculture Co-ordinator Cadre (Recruitment & Service Condition) Rules, 2014 and grant a pay scale of Rs. 9300-34800 with grade pay of Rs.5400 in place of pay scale of Rs.5200- 20,200 with grade pay Rs. 2800 in exercise of power conferred under Rule 3(b) of the Rules.
- ii. To declare and hold that the degree/certificate possessing by the petitioners are technical degree and entitled to a pay scale of Rs.9300-34800 with grade pay of Rs.5400/- which has



been fixed in respect of the pay scale fixed for the appointments made on the basis of the technical degree.

iii. To issue an appropriate writ(s) order(s) direction(s) in the nature of *mandamus* commanding the respondent to amend Rule 7 and grant the pay scale of 9300-34800 Grade pay of 5400/-. On the principle of equal pay for equal work/qualification.

iv. To issue an appropriate writ(s) order(s)/ direction(s) in the nature of *mandamus* commanding the respondents to grant the petitioner equivalent pay scale of B.VSC or B.VSc & AH.

v. To any other relief(s) that the petitioners are entitled to in the facts and of the case.”

Mr. Y.V Giri, learned Senior counsel appearing for the petitioners, states that the petitioners shall be content if the petition is disposed of with the request to respondent no. 4, namely The Secretary, Agriculture Department, Government of Bihar, Patna to consider and decide the petitioners' request similar in nature which the petitioner would be making as was so made to respondent no. 3 through the communication dated 25.2.2019 (Annexure 12, Page 89) and analogous request.

State has no objection to the same.

As such, petition is disposed of in the following mutually agreeable terms:



(a) Petitioners shall approach the authority concerned i.e. Respondent No.4, namely The Secretary, Agriculture Department, Government of Bihar, Patna within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioners;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioners take



recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioners to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

(j) The proceedings shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

