

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13113 of 2023

1. Prashant Nand Mishra Son of Late Brijmohan Mishra, R/o Village-Dev Markande, Post-Dev Markande, P.S.-Karakat, District-Rohtas.
2. Tarannum Begum, Wife of Monis Zia, R/o Hassan Manjil, Nauzar Katra Diwan, Mohalla-Sampatchak, Patna, P.S.-Gopalpur, District-Patna, Bihar-800008.
3. Shadab Khan, son of Quamruddin Khan, Resident of Agthu, P.S. Chakand, District-Gaya, Chakand, Bihar -804404.
4. Gambhiar Kumar Chaudhary, Son of Hitendra Chaudhary, R/o, P.O and P.S. Bela , Bar Chawk, Sherpur, MIC, District Muzaffarpur, Bihar-842005.
5. Nitesh Kumar, S/o Late Mithilesh Prasad Singh, Resident of Village-Laranpur, Post-Laranpur, P.S. Islampur, Sakri, District-Nalanda, Bihar-803116.
6. Shailendra Kumar, Son of Paras Nath Gupta, R/o Ward No. -08, Maner Paithan Toli, Maner, Behind Girls School, P.S. Maner, District-Patna, Bihar-801108.
7. Ravi Kumar, Son of Dinanath Bhagat, Resident of Itimha, Itamha, Karma, P.S.-Nasriganj, District-Rohtas, Bihar-821310.
8. Amit Kumar, Son of Late Chandilal Yadav, R/o Ward No. 11, Budhaura, Budhaura, P.s. Bela, District-Khagaria, Bihar-848203.
9. Mohammad Nezam Akela, Son of Zainul Haque, R/o Luckynandlapur, Shakrisaraiya, Sakari, P.S. Saraiya, Kurhani, District-Muzaffarpur, Bihar-844127.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Animal Husbandry and Fishery Resources Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
3. The Director, Fisheries Vikash Bhawan, Bihar, Patna.
4. The District Magistrate, Patna.
5. The Deputy Director, Fisheries, Patna Range, Patna.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Vijaya Laxmi Srivastwa, Advocate
For the State	:	Ms. Nutan Sahay, AC to AAG-12

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*. Learned counsel for the petitioners submits that the petitioners will be making representation before the Director, Fisheries, Vikash Bhawan, Patna (Respondent No. 3).

3. In view of the grievance raised by the petitioners, the claim based on parity is yet to be considered by the Director, Fisheries, Vikash Bhawan, Patna (Respondent No. 3). The court, therefore, is not called upon to adjudicate any issue in the present.

4. If the petitioners file their representation along with



a copy of this order before the Director, Fisheries, Vikash Bhawan, Patna (Respondent No. 3) within a period of four weeks, the same is required to be considered and disposed of by the Director, Fisheries, Vikash Bhawan, Patna (Respondent No. 3) 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 petitioners' representation. 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)

shashank/-

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