

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13312 of 2023

1. Pawan Kumar, Son of Late Binoy Kumar Gupta, Resident of Mohalla-Sorangpur Yadav Nagar, P.O New Jaganpura, P.S.- Ramkrishna Nagar, District- Patna.
2. Smt. Kumud Rani, Wife of Late Narendra Kumar, Resident of Village-Mandachh, P.S.- Deepnagar, District- Nalanda.
3. Amit Kumar, Son of Late Raj Kumar Shrivastava, Resident of Village-Painathi, P.S.- Bihta, District- Patna.
4. Ashish Kumar, Son of late Jodhan Kumar Sinha, Resident of Flat No. 203, Vijay Complex, RPS Mahila College Road, P.S.- Rupaspur, District- Patna.
5. Ashish Kumar Srivastava, Son of Binay Kumar Srivastava, Resident of Village- Akhtiyarpur, P.S.- Udwant Nagar, District- Bhojpur.
6. Sumit Ranjan, Son of Late Shashi Ranjan Sahay, Resident of Mohalla-Shivganj, P.S.- Ara Town, District- Bhojpur at Ara.
7. Abhinav, Son of Late Raman Kumar Sinha, Resident of Saroj Smiriti, Chitragupta Marg, New Jakkanpur, P.S.- Jakkanpur, District- Patna.
8. Deepak Kumar, Son of Late Kamal Prasad Soni, Resident of Village- Nokha, P.S.- Nokha, District- Rohtas.
9. Balmukund Kumar, Son of Late Rampukar Paswan, Resident of Village-Pirnagar, Gamhariya, P.S.- Nawakothi, District- Begusarai.
10. Rahul Kumar Singh, Son of Late Rajendra Prasad Singh, Resident of Village- Ugnichak, P.S.- Jamui, District- Jamui.
11. Brajmohan Jha, Son of Late Bishwambhar Jha, Resident of Village- Siswa, Pandaul, P.S.- Pandaul, District-Madhubani.
12. Brajesh Kumar Jha, Son of Late Nav Kant Jha, Resident of Village- Jhitaki, P.O.- Bangama, P.S.- Madhubani, District- Madhubani.
13. Najmul Hoda, Son of late Ashrafu Hoda, Resident of Village- Mathiya Zirat, P.S.- East Champaran, District- East Champaran.
14. Prashant Shekhar, Son of Late Hira Prasad Singh, Resident of Village- Vansi Tikar, P.S.- Sabour, District- Bhagalpur.
15. Vijay Kumar, Son of late Tribhuwan Ram, Resident of Village- Nad, P.S.- Shivsagar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Director, ICDS Directorate, Bihar, Patna.
3. The District Magistrate, Nawada.
4. The District Magistrate, Rohtas at Sasaram.
5. The District Magistrate, West Champaran at Bettiah.



6. The District Magistrate, Nalanda.
7. The District Magistrate, Bhagalpur.
8. The District Magistrate, Jamui.
9. The District Magistrate, Madhubani.
10. The District Magistrate, East Champaran.
11. The District Magistrate, Siwan.
12. The District Magistrate, Darbhanga.
13. The District Magistrate, Patna.
14. The District Magistrate, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioners : Mr. Sudhir Kumar Singh, Advocate
For the State : Mr. Sunil Kumar Mandal, SC-3
Ms. Neelam Kumari, AC to SC-3

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 03-10-2023 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. Their grievance
is pendency of their representation (Annexure-P/10 to the writ
petition) before the Director, ICDS Directorate, Bihar, Patna
(Respondent No. 2) for grant of pay scale at par with the
beneficiaries of the writ proceedings arising out of ***CWJC No.
9633 of 2016 (Lachhman Kumar & Ors. Vs. State of Bihar &
Anr.)*** and ***LPA No. 766 of 2019 (State of Bihar & Ors. Vs.
Biresh Kumar Singh & Ors.)***, it is submitted by learned counsel
for the petitioners that though the petitioners were appointed on
compassionate ground after the cut-off date i.e. 28.09.1999,



their claim is being kept pending. The authorities are waiting for the petitioners to get orders of this Court.

3. Though the issue has been decided, and petitioners' claim being a "*covered matters*" is entitled to the same benefit in view of Clause 4.C(1) of the Bihar State Litigation Policy 2011, there is inertia on part of the respondents in not taking final decision on the petitioners' representation.

4. In view of the nature of grievance raised in today's proceedings, the learned State counsel submits that only if the petitioners are eligible, the benefit can be granted.

5. 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.

6. This Court would thus dispose of the writ application in terms of the order passed in ***CWJC No. 9633 of 2016***, relevant extract of which reads as follows :

"Since claim of the intervenors to the writ petition is to be examined in light of Bihar State Bihar State Litigation Policy, 2011 as well as in light of the decision in case of Binit Kumar (supra) taken note of herein above, this Court would only observe that if the intervenors' case is similar to that of Binit Kumar (supra), State respondents would be obliged to extend the same benefits to the intervenor petitioners."

7. Let Respondent No. 2 pass a reasoned and speaking order with respect to the petitioners' representation (Annexure-



P/10 to the writ petition) within three (03) months from the date
of receipt/production of copy of this order.

(Madhuresh Prasad, J)

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