

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18172 of 2022**

1. Kumar Chandrashekhar son of Late Vijaykant Thakur, Resident of Baramasiya, P.O.- Maramasiya, P.S.- Jhajha, District- Jamui.
2. Vicky Kumar Son of Late Anil Kumar Resident of Patna City, P.O.- Jhauganj, P.S.- Khajekalan, District- Patna.
3. Sidheshwar Prasad Yadav Son of Late Karu Prasad Yadav, Resident of At Ramchandrapur, P.O.- Jasidih, District- Deoghar.
4. Shanu Kumar Son of Bhavesh Kumar Resident of At- Maheshpur, P.O.- Piri Bazar, P.S.- Piri Bazar, District- Lakhisarai.
5. Sudhir Kumar Gupta son of Ramchandra Gupta, Resident of Block Road Sono, P.O- Sono, District- Jamui.
6. Mukesh Kumar Sinha son of Late Ganesh Prasad, Resident of Sirchand Nawada, Jamui, P.O.- Jamui, P.S.- Jamui, District- Jamui.
7. Saket Bihari Son of Late Chandrika Prasad Singh Resident of Village- Dinkosumbha, P.O.- Dihkosumbha, P.S.- Korma, District- Sheikhpura.
8. Ranbir Kumar Son of Surendra Prasad Singh, Resident of Village- Tarapur, P.S.- Tarapur, District- Munger.
9. Ramesh Kumar son of Late Ashok Kumar Resident of Ratanpur, P.O.- Ratanpur, P.S.- Giridhaur, District- Jamui.
10. Rupesh Kumar son of Late Pramod Kumar Jamuar, Resident of At-Srichand Nawada, Jamui, P.O.- Jamui, District- Jamui.
11. Manoj Kumar Son of Late Abadhesh Ram, Resident of At- Santi Nagar Panch Mandir Road, Jamui, P.O.- Jamui, P.S.- Jamui, District- Jamui.
12. Satyam Kumar Son of Late Ramnandan Singh, Resident of Mehus, P.O.- Mehus, P.S.- Mehus, District- Sheikhpura.
13. Krishna Kumar Paswan Son of Late Arjun Paswan, Resident of Village and Post- Mahadevsimariya, P.S.- Sikandra, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Additional Chief Secretary Department of Health, Government of Bihar.
3. The Director in Chief Health Services, Government of Bihar, Patna.
4. The District Magistrate, Jamui.
5. The Civil Surgeon Cum Chief Medical Officer, Jamui.

... .. Respondent/s

**Appearance :**

|                     |   |                                 |
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| For the Petitioners | : | Mr.Rajesh Kumar Sinha, Advocate |
| For the State       | : | Mr.S.D. Yadav, AAG-9            |
|                     |   | Mr.Anil Kr. Verma, AC to AAG-9  |



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

2      25-08-2023                      Heard learned counsel for the petitioners and  
learned counsel for the State.

2.      Learned counsel for the petitioners submits that the petitioners are 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 petitioners 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 petitioners' representation for grant of benefit, copy of which is Annexure- 3 series to the writ petition, is pending consideration before the Civil Surgeon-cum-Chief Medical Officer, Jamui (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 petitioners 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)**

SUMIT/-

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