

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1588 of 2020

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1. Nawal Kishore Bharti Son of Ghuran Tanti, Resident of Village - Murballa, P.s. Bihra, District- Saharsa.
 2. Kumar Vivek, Son of Late Vimal Verma, Resident of Kayastha Tola, P.s. and District- Saharsa.
 3. Shivji Sharma, Son of Late Ramkisun Sharma, Resident of Ward No. 31, Sanda tola, P.s. and District- Saharsa.
 4. Arun Kumar Ram, Son of Late Shivnath Ram, Resident of Village - laxmipur Chandi, P.S. Madhepura, District- Madhepura.
 5. Rajnish Kumar Singh, Son of Late Shivji Prasad Singh, Resident of Village - Maina Mahishi, P.S. Mahishi, District- Saharsa.
 6. Vijay Kumar Yadav @ Vijay Kumar, Son of Rajendra Prasad Yadav, Resident of Ward No. 18, Gangjala, P.S. and District- Saharsa.
 7. Fanibhushan Kumar, Son of Mahanand Yadav, Resident of Village - Shadpur, P.S. and District- Saharsa.
 8. Manish Kumar, Son of Arun Yadav, Resident of Village - Ghoshur, P.S. Salkhua, District - Saharsa.
 9. Mritunjay Lal Das, Son of Kameshwar Das, Resident of Ward No. 8, Mohanpur, Balwa Hat, P.S. Simari Bakhtiyarpur, District- Saharsa.
 10. Jyoti Shankar Singh, Son of Ramshankar Singh, Resident of Village - New Colony, P.S. and District- Saharsa.
 11. Kishore Kumar, Son of Ravindra Prasad Singh, Resident of Village - Baruari, P.S. and District- Supaul.
 12. Anish Kumar, son of Nand Kishor, Resident of Village - Aran, P.S. Bihra, District- Saharsa.
 13. Anuj Kumar, Son of Late Sudhir Kumar Yadav, Resident of Village - Salkhua Kopariya, P.S. Salkhua, District- Saharsa.
 14. Pramod Kumar @ Pramod Kumar Jha, Son of Late Mani Lal Jha, Resident of Village - Rahua, P.S. Simari Bakhtiyarpur, District- Saharsa.
 15. Hemchandra Kumar Yadav, Son of Fuleshwar Yadav, Resident of Village - Kharudoti, P.s. Simari Bakhtiyarpur, District- Saharsa.
 16. Vinay Kumar Murmu, Son of Late Sushil Murmu, Resident of Village - Benadatri Baliya Ingal, P.s. Maheshpur, District- Pakur (Jharkhand).
 17. Bhartendu Shekhar, Son of Late Shashikhar Singh, Ward No. 15, Hanuman Chowk, Gangjala, P.S. Saharsa, District- Saharsa.
 18. Sanjay Kumar, Son of Late Bindeshwari Ram, Resident of Village - Laxminiya, P.s. Behra, District- Saharsa.
 19. Pritam Kumar, Son of Late Shashikant Singh, Resident of Village - Rangniyan, P.S. Simari Bakhtiyarpur, District- Saharsa.
 20. Ravikant Kumar, Son of Late Ramdev Yadav, Resident of Village - Kope, P.S. Sour Bazar, Distt. Saharsa.



21. Asdul Hannan, Son of Sirajuddin, Resident of Village - P.S. Simari Bakhtiyarpur, District- Saharsa.
22. Anil Kumar, Son of Amirchand Paswan, Resident of New Colony, Ward No. 9, P.S. Saharsa, District- Saharsa.
23. Sushil Kumar, Son of Dhyan Das, Resident of Pashupalan Colony, P.s. Saharsa, District- Saharsa.
24. Ayush Kumar, son of Shishir Kumar Verma, Resident of Rifuji Colony P.S. and Distt. Saharsa.
25. Kishore Kumar, Son of Mahendra Das, Resident of Village - Sarahi, Ward No. 05, P.s. and District- Saharsa.
26. Arun Kumar Mishra, Son of Krishnamohan Mishra, Resident of Village - Bishouni, P.S. Parbatta, Distt. Khagaria.
27. Rekha Singh, Son of Debnandan Singh, Resident of Village - Gautam Nagar, Gangjala, Ward No. 73, P.S. and District- Saharsa.
28. Satyendra Kumar, Son of Awadh Bihari Ram, Resident of Village - Ahirouli, P.s. and District- Buxar.
29. Raj Kumar Mahto, Son of Late Swarup Lal Mahto, Resident of Village - Shahpur, P.S. Nauhatta, District- Saharsa.
30. Arun Kumar Yadav, Son of Dinesh Prasad, Resident of Village - Bishanpur, P.s. Sonverma Kachhari, P.s. Saharsa.
31. Aditya Raj, Son of Tribhuwan Singh, Resident of Village - Fakir Tola Gangjala, P.S. Saharsa, District Saharsa.
32. Satish Kumar, Son of Indra Nath Jha, Resident of Village - Satlakha, P.s. Rahika, District Madhubani.
33. Rajiv Kumar Thakur, Son of Raghav Thakur, Resident of New colony, Ward No. 9, P.S. Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration Department, Government of Bihar, Patna.
4. The District Magistrate, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Respondent/s : Mr. Sanjay Parasmani (GP-4)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 23-11-2023

Heard learned counsel for the petitioners and learned counsel for the State.

2. Learned counsel for the petitioners submits that petitioners have been appointed on compassionate ground in accordance with law in Grade Pay of Rs.1900/- in the district of Saharsa, whereafter they joined their post and started discharging their duties. Counsel submits that all the petitioners have been appointed as Class-III employees. He further submits that at that very relevant period of time, Class-III employees appointed by other modes than the compassionate ground are being paid higher pay scale than Class-III employees i.e., Grade Pay of Rs.2400/-. Counsel submits that the said issue has been repeatedly decided by series of decisions made by the Hon'ble Single Bench as well as the decisions made by Hon'ble Division Bench, particularly, order dated 24.08.2016 passed in L.P.A. No.206 of 2014, order dated 23.06.2017 passed in L.P.A. No.167 of 2016. Counsel further submits that in the light of Section 4C of the Bihar State Litigation Policy, the petitioners are entitled for consideration of the case in the light of the decision made by this Hon'ble Court in case of similarly



situated persons.

3. Counsel for the State submits that in the light of the Bihar State Litigation Policy, 2011, the petitioners are supposed to file their representation before the competent authority along with those decisions under which they are interested to get relief.

4. In the light of submissions made by the parties, this Court disposed of the writ petition directing the petitioners to file fresh representation before respondent No.4/ the District Magistrate, Saharsa, raising all their grievances along with a copy of the orders passed by this Hon’ble Court where similarly situated persons have been granted relief by order of this Hon’ble Court.

5. Respondent No.4 is directed to pass a reasoned order on the representation filed by the petitioners within three months from the date of production of this order along with the representation taking into consideration the fact that this issue has been decided by the Hon’ble Division Bench.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.11.2023
Transmission Date	

