

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1234 of 2020

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1. Sunita Rani Prasad Wife of Radha Nath Nand Keoliyar Resident of Shiv Temple, New Area Beldari Tola, Gaya, District- Gaya, Pin Code- 823001.
 2. Rumana Khatoon Wife of Tamkeen Ahmad Resident of Haridas Chatterji Road, Ramana, Gaya, District- Gaya, Pin Code- 823001.
 3. Ruby Kumari Wife of Nishutosh Kumar Sinha Resident of Shastri Nagar, Road No.-04, Jai Press, Gaya, District- Gaya, Pin Code- 823001.
 4. Nikhat Fatma Haidery Wife of M Sarmad Resident of Haider Building, Road No.-02, New Karimganj, District- Gaya, Pin Code- 823001.
 5. Naushaba Bunni Wife of Mohammad Izhar Alam Resident of Road No.-08, Nagamatia Colony, Gaya, P.O.- Nawada, P.S., District- Gaya, Pin Code- 823001.
 6. Shakila Khatoon Wife of Mohammad Tahir Resident of Opposite Railway Hospital, Chawdhary House, Nagamatia Road, Gaya, District- Gaya, Pin Code- 823001.
 7. Rupa Kumari Sharma Wife of Shree Suryakant Pd. Chaudhary Resident of Kali Mandir Road, Road No. 2-A Sanjay Gandhi, Hanuman Nagar, P.S.- Patrakarnagar, District- Patna, Pin Code- 800020.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Bihar, Patna.
3. The Principal Secretary, Finance Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Abhinav Srivastava, Adv Mr. Aspit Anand, Adv Mr. Pushkar Bhardwaj, Adv
For the Respondent/s	:	Mr.Vikash Kumar (Sc11)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

8 02-11-2023 Heard learned counsel for the petitioner and counsel
for the State.

2. The present writ petition in being filed quashing the
order dated 11.10.2019 bearing Memo No. 8275 passed by the
Principal Secretary, Finance Department, Bihar, Patna, by which



the representations submitted by the petitioners in furtherance of the directions contained under the order dated 09.07.2019 passed in C.W.J.C. No. 13677 of 2019 has been rejected.

3. Counsel further submits that the another prayed made in the writ petition is also for quashing the letter dated 25.11.2019 bearing Memo No. 448220 issued by the concerned authorities under the Rural Development Department of the State Government, by which all the Deputy Development Commissioners within the state of Bihar have been directed to ensure that the Lady Extension Officers working in different blocks in the districts within the State of Bihar be extended the benefits of revision of salary upon implementation of the 7th Pay Revision Commission in level-6.

4. Counsel further submits that after setting aside/quashing both the above stated, respondent be directed Rural Development Department as well as Finance Department of the State Government be directed to take steps towards extending the benefits of revision of salary of the present petitioners working in the capacity of Lady Extension Officers in services of the Rural Development Department of the State Government in Level-7 upon implementation of the recommendation of 7th Pay Revision Commission in a similar



manner as persons working in the capacity of Extension Officers(Industry and Commerce) has been extended upon replacement of the unrevised pay scaled admissible under the 6th Pay Revision Commission in pay band-2 with grade pay of Rs. 4200/- which has been replaced in level 7 upon implementation of the recommendation of 7th Pay Revision Commission.

5. Counsel also submits that the said revision will be implemented with effect from 01.01.2016. Counsel for petitioner submits that petitioners were appointed in the capacity of Lady Extension Officers in the different districts by virtue of the modification of the then Rural Reconstruction and Panchayati Raj Department of State Government vide notification dated 21.01.1989 bearing Memo No. 74 by the Officer of the Commissioner, Magadh Division Gaya. Counsel submits that all the petitioners were appointed in the pay scale of Rs. 850-1360-/. Counsel further submits that the said Rural Reconstruction and Panchayati Raj Department of State Government were also taken other appointments on the post of Extension Officers (Industry and Commerce) in the district within the State of Bihar on the salary in the pay scale of Rs. 785-1210/-

6. Counsel submits that in the year 2008 service rule



for both Lady Extension Officer and Extension Officers (Industry and Commerce) has been separately framed contained in annexure 2 and 3. of the writ petition. The notification for the same have been issued by virtue of letter No. 15735 dated 05.12.2008 and letter no. 15736 dated 05.12.2008. Counsel further submits that rural Development Department vide Annexure-4 and subsequently, vide Annexure-10 have issued 326797 dated 07.09.2017 indicating that the Extension Officers (Industry and Commerce) and Lady Extension Officer should be granted same pay scale and their service regulation are identical and fixation of pay requires correction. It is also mentioned that both belongs to supervisory cadre and the said Annexure 10 was issued by the Special Secretary to the Government to the Principal Secretary. When the discrepancy has not been removed then the petitioners has moved before this Hon'ble Court is C.W.J.C. No. 13677 of 2019 in which vide order dated 09.07.2019, this Court had directed to petitioners to file representation before the Principal Secretary of the Finance Department of the State Government for his grievances and Principal Secretary was directed to take necessary decision and communicate the same to the Rural Development Department, Government of Bihar for necessary correction in the pay scale



of the petitioners within a period of eight weeks.

7. Upon filing the representation, the Principal Secretary has passed reasoned order which is Annexure-15 vide Memo No 8275 dated 11.10.2019 by which the grievances of the petitioner has been rejected. Thereafter, the petitioners have preferred the present writ petition challenging the order of the Principal Secretary, Department of Finance.

8. Counsel for the petitioner submits that counter affidavit has been filed by the State and in the said counter affidavit, it has been accepted vide Annexure-A and Annexure-B that there are different regulations made for the Lady Extension Officer and Extension Officers (Industry and Commerce). On the same regulation, petitioners have put emphasis that the pay scale according to the Rule was identical. According to rule the same pay scale for both Rs. 5000-8000/- has been fixed. The State has also annexed Annexure-C in which the services of Extension Officers (Industry and Commerce) DRADA has been shown at Sr. 60 and their pay scale have been categorized under heading PB-2, Rs. 4200/- level 7 whereas the post of Lady Extension Officer were categorized as Sr. 570 in the Panchayati Raj Department in Level-6. Counsel for petitioner submits that the entry in Bihar Gazette (Extra) 24th May, 2017 has wrongly



been made and due to this reason, the entire discrepancy has occurred. Counsel for petitioner submits that in this regard, the Special Secretary, Rural Development Department has categorically issued a request letter to Principal Secretary, Department of Finance vide Annexure-10 but that has not taken into consideration at all. Instead, thereof, the recommendation of Fitment Committee and Fitment Appellate Committee has been annexed.

9. From the perusal the recommendation of Fitment Committee and Fitment Appellate Committee, it transpires that the said Fitment Committee and Fitment Appellate Committee had at all not considered the Rules of 2008 framed for Lady Extension Officer and Extension Officers itself and in this view of the matter, this Court is of the opinion that Principal Secretary Finance Department, ought to have ignored the recommendation of Fitment Committee and Fitment Appellate Committee with regard to the Lady Extension Officer. And he ought to take decision in the light of the rules, which has been annexed in the Counter as Annexure-A and Annexure-B as well as the basis of Annexure-10

10. In this background, that in the order dated 11.10.2019 bearing Memo No. 8275 passed by the Principal



Secretary, Finance Department, Bihar, Patna, these aspects has completely being ignored that special rules have been framed for lady Extension Officer and Extension Officers (Industry and Commerce) in which Pay Scale for both have been fixed identical and the subsistence of lady Extension Officer have been treated as the service of ruler Development Department and not of Panchayati Raj Department. It also transpires this Court that both belongs to supervisory cadre.

11. With the aforesaid observation the order dated 11.10.2019 bearing Memo No. 8275 passed by the Principal Secretary, Finance Department, Bihar, Patna, is set aside and Principal Secretary, Finance Department, is directed to take decision afresh considering the Annexure-A, Annexure-B and Annexure-10 within three weeks from the date of production of the order to the Court below.

(Dr. Anshuman, J)

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