

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1306 of 2020

1. Rajeev Ranjan, S/o Late Umakant Prasad Resident of Village- Rampur, P.s.- Govindpur, Distt.- Nawada
2. Anil Kumar, S/o Late Ramadhar Singh Resident of Village- Hardiya, P.s.- Mahendiya, Distt.- Arwal
3. Deepak Kumar, S/o Late Basudeo Ram Resident of Village- Nagwa, P.s.- Chainpur, Distt.- Plamu (Jharkhand)
4. Pawan Kumar, S/o Late awadhesh Kumar P.s.- Akwarpur, Distt.- Nawada
5. Balmiki Manjhi, S/o Late Rajendra Manjhi Resident of Village- Banailikala, , P.s.- Kauokoal, Distt.- Nawada
6. Binod Kumar Pandey, S/o Late Shivnandan Pandey Resident of Village- Akauna Dih, P.s.- Akauna, Distt.- Nawada
7. Mithilesh Kumar, S/o Shibalak Prasad Resident of Village- Jinda Bigha, P.s.- Hulashganj, Distt.- Jehanabad
8. Arvind Kumar, S/o Late Rampreet Prasad Resident of Village- Kasin, P.s.- Paras Bigha, Distt.- Jehanabad at present residing at Mohalla- Pathak Toli, P.s.- Jehanabad, Distt.- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Main Secretariat, Patna
2. The Principal Secretary Department of General Administration (Formely known as Personnel and Administrative Reforms Department), Govt. of Bihar, Main Secretariat, Patna
3. The Principal Secretary Education Department, Main Secretariat, Patna
4. The District Magistrate Nawada, Distt.- Nawada
5. The Regional Deputy Education Director Magadh Division, Gaya
6. The District Education Officer Nawada
7. The District Programme Officer (Establishment) Nawada

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shabbir Ahmad, Advocate
		Mr. Anil Kumar Saxena, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar, AC to GP-23

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 27-06-2023 1. 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. 4000/- to Rs. 6000/-, at par with beneficiaries of decision of the Division Bench in the case of *Avinash Kumar Chakerwarty & Ors. vs. The State of Bihar & Ors.* in ***L.P.A. No. 167 of 2016***.

3. The petitioner nos. 1 to 8 have specifically stated their date of appointment as 09.10.2004, 30.06.2004, 18.12.2002, 15.04.2005, 24.10.2003, 07.10.2005, 22.12.2012 and 17.12.2004, respectively, with reference to the office orders whereby they were appointed. The details are mentioned in paragraph-3 of the writ petition.

4. The claim of the petitioners has been resisted by the State in its counter-affidavit by stating that benefit of the scale of Rs. 4000/- to Rs. 6000/- was extended to the petitioners in ***L.P.A. No. 167 of 2016*** since their process of appointment was initiated before 20.12.2000. In respect of the petitioners, there is specific assertion in the counter-affidavit that recommendation of compassionate committee was received after 20.12.2000.

5. This court finds that there is no assertion made in the writ petition based on any details with reference to any dates regarding their application/s or initiation of process. It is only in



the rejoinder, after being faced with such difficulty, that the petitioners have come forward with a plea that their appointment process had started much before 20.12.2000.

6. Such pleadings containing bald assertions are insufficient for the petitioners to claim parity with the petitioners in ***L.P.A. No. 167 of 2016***. The petitioners are trying to make out a new case by way of rejoinder, that also based on vague and baseless assertions. The petitioners, therefore, cannot be extended the benefits of decision of Division Bench in the case of ***Avinash Kumar Chakerwarty*** (supra).

7. Writ application is, therefore, found to be devoid of merit and dismissed.

(Madhuresh Prasad, J)

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