

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4327 of 2020

1. Satyendra Kumar Chaudhary Son of Sri Chandrika Chaudhary, resident of Village- Koriyawan, P.O.- Sorampur, P.S.- Janipur, District- Patna, presently posted as Assistant Director, Plant Protection, Department of Agriculture, District Krishi Bhawan, Jehanabad.
2. Ganesh Prasad, Son of Late Shiv Narayan Prasad, resident of Mohalla- Mahnar Bazar, in front of Kushwaha Dharmshal, P.O. and P.S.- Mahnar, District- Vaishali, retired on 30.11.2019 from post of Assistant Director, Plant Protection, Pysto Synetory Laboratory, Department of Agriculture, Mithapur Agriculture Farm, Patna.
3. Satish Chandra Jha, Son of Late Harischandra Jha, resident of village- Belaun, P.O- Nawada, P.S. Bahera, District- Darbhanga, retired on 30.11.2019 from post of Assistant Director, Plant Protection, Department of Agriculture, Rampatti Agriculture Farm, Madhubani.
4. Ajeet Kumar Sharan, Son of Late Rajmangal Prasad, resident of Mohalla- Bhawdepur, Ward No. 14, P.S. Town Thana, Sitamarhi, District- Sitamarhi, presently posted as Assistant Director, Plant Protection, Department of Agriculture, Tirhut Pramandal, Sanyukt Bhawan, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The Agriculture Production Commissioner, Department of Agriculture, Government of Bihar, Vikash Bhawan, Secretariat, Patna.
4. The Secretary, Department of Agriculture, Government of Bihar, Vikash Bhawan, Old Secretariat, Patna.
5. The Additional Secretary, Department of Agriculture. Government of Bihar, Patna.
6. The Deputy Secretary, Department of Agriculture, Government of Bihar, Old Secretariat, Patna.
7. The Under Secretary, Department of Agriculture, Government of Bihar, Patna.
8. The Agriculture Director, Department of Agriculture, Government of Bihar, Vikash Bhawan, Secretariat, Patna.
9. The Incharge Officer, (Claim redressal cell), Department of Finance, Government of Bihar, Patna.
10. Sri Anil Kumar, Assistant Director, Plant Protection Purnea, Khuskibag Agriculture Farm, Purnea, District- Purnea.
11. Sri Sunil Kumar Ajay, Deputy Director, Plant Protection Surveillance and I. P.M., Mithapur Krishi Farm, Patna.



12. Sri Arivnd Kumar Singh, Assistant Director, Plant Protection Saran Division, Bazar Samiti Premises, Chapra District- Saran.
13. Sri Satish Kumar, Assistant Director, Plant Protection, Nalanda, Biharsharif, Pahari Par, Biharsharif, District- Nalanda.
14. Sri Kanhaiya Singh, Deputy Director Plant Protection, Bhagalpur Division, Bhagalpur, Krishi Bhawan, District- Bhagalpur.
15. Sri Birendra Kumar Sinha, Retired Assistant Director, Plant Protection, Bhojpur at Ara.
16. Sri Shashi Kumar Jha, Deputy Director, Plant Protection, Purnea Division, Purnea, Office of Joint Director (Shashya), Purnea.
17. Sri Sujeetnath Mallik, Assistant Director, Plant Protection, Plant Protection, Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Respondent/s : Mr. Anant Pd. Singh (Sc15)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-03-2024 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ petition has been filed for setting aside the order dated 28.12.2012 contained in Memo No.6917 as well as order dated 12.07.2018 contained in Memo No.2696 both issued by respondent No.5 by which respondent-authorities were granted /sanctioned the pay scale to private respondent No.10 to 17 for which they are not legally entitled except one Sri Manoj Kumar was entitled for the same as per the assertion made by the counsel for the petitioner.

3. Learned counsel for the State raised preliminary objection that the present writ petition is not maintainable due



to the reason that the matter directly and substantially relating to seniority among the petitioners and private respondents have already been decided in CWJC No.9639 of 2008 in which vide order dated 11.12.2017 the private respondents have been held senior to the petitioners. The said order was challenged by the petitioners in Letters Patent Appeal but the said Letters Patent Appeal is still pending and there is no stay granted. Counsel for the State submits that the department has granted benefit to the private respondents strictly in accordance with circular of the Finance Department and after due approval of the competent authority as mentioned in paragraphs 9, 10 and 11 of the counter affidavit.

4. After hearing the parties, it transpires to this Court that the question in controversy has been challenged by the petitioners in LPA arising out of CWJC No.9639 of 2008. In this background, this Court is not inclined to interfere against the private respondents and, hence, this writ petition is dismissed.

(Dr. Anshuman, J)

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