

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20645 of 2018

1. Ashok Kumar Son of Late Indrasan Prasad, Resident of Mohalla- Anand Nagar Panchmandira, Siwan, P.S. Siwan Sadar, District- Siwan.
2. Binod Ram Son of Sri Sunain Ram, Resident of Village- Jalalpur, P.S.- Jamo Bazar, District- Siwan.
3. Brajesh Baitha Son of Raghunath Baitha, Resident of Village- Manjhaulia, P.S.- Guthani, District- Siwan.
4. Prem Kumar Manjhi, Son of Late Singhasan Manjhi, Resident of Village- Gopalpur, P.S.- Basantpur, District- Siwan.
5. Sharma Ram, Son of Late Bithan Ram, Resident of Village- Dharhara, P.S.- Mairwa, District- Siwan.
6. Dilip Kumar, Son of Dharsan Rai, Resident of Village- Mukundpur, P.S.-, District- Vaishali.
7. Rajeev Kumar Gond, Son of Rama Shankar Gond, Resident of Village- Don, P.S.- Darauli, District- Siwan.
8. Parmanand Ram, Son of Nagina Ram, Resident of Village- Chainpur, P.S.- Goriya Kothi, District- Siwan.
9. Ram Naresh Baitha, Son of Ganesh Baitha, Resident of Village- Merahi, P.S.- M.H. Nagar, District- Siwan.
10. Shambhu Saran Akela, Son of Late Gauri Sah, Resident of Village- Jalalpur, P.S.- Jamo Bazar, District- Siwan.
11. Sudama Ram, Son of Sri Ram Pati Ram, Resident of Village- Sultanpur, P.S.- Aandar, District- Siwan.
12. Shahid Eqbal, Son of Late Mustaqim, Resident of Village- Makdum Sarai, Siwan, P.S.- Siwan Town, District- Siwan.
13. Ravi Prakash, Son of Late Arjun Prasad, Resident of Mohalla- Hospital Road, Chainpur, P.S.- Siswan, District- Siwan.
14. Sunil Kumar, Son of Sugriva Bhakt, Resident of Village- Punak, P.S.- Darauli, District- Siwan.
15. Sunil Kumar Singh, Son of Late Shyam Nandan Prasad, Resident of Village- Sadarpur, P.S.- Barhariya, District- Siwan.
16. Shailendra Chaudhary, Son of Shiv Nath Chaudhury, Resident of Village- Koiri Gawan, P.S.- Barhariya, District- Siwan.
17. Sujut Ram, Son of Late Nageshwar Ram, Resident of Village- Bhopatpura, P.S.- Maiwa, District- Siwan.
18. Manoj Kumar Prasad, Son of Sukhdev Prasad, Resident of Village- Sajna, P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Main Secretariat, Patna.



2. Principal Secretary, General Administrative Department, Government of Bihar, Main Secretariat, Patna.
3. Principal Secretary, General Administrative Department, Government of Bihar, Main Secretariat, Patna.
4. Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Main Secretariat, Patna
5. District Magistrate, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kishore Kumar Thakur, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-05-2024 Heard learned counsel for the petitioners and learned
counsel for the State.

2. Learned counsel for the petitioners fairly submits that a Rule, which is Annexure-P/5, namely, Bihar State Revenue Services Rules, 2010 has been framed whose Rule 8(Kha)(i) ought to cover the petitioners also because at the time of initial appointment they were at higher pay scale/grade. The petitioners ought to be covered in the category which have been described under Rule 8(Kha)(i) of the said Rules. Counsel submits that those persons who were not inserted in the said Rule are not entitled to be considered under the said Rules because they were not the members of the Bihar State Revenue Services Rules.

3. Learned counsel for the State made preliminary objection and submits that since the petitioners have challenged



the provision of Rules. Therefore, they ought to file writ petition before the Hon'ble Division Bench because it is the policy of the Government which has come in the form of Bihar State Revenue Services Rules, 2010 and petitioners can be granted relief only when they may challenge the said Rules.

4. In the light of the submissions made, this writ petition is disposed of granting liberty to the petitioners that they may challenge the Bihar State Revenue Services Rules, 2010, before appropriate forum.

(Dr. Anshuman, J)

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