

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4893 of 2020

1. Jitendra Dwiwedi Son of late Sidhnath Dwiwedi, Residing at Gola Road, Gajadhar Chak, P.S. Danapur, District- Patna.
2. Santosh Kumar, Son of late Ram Pravesh Pandey, Resident of Village- Mahuri, P.O. Mohanpur, P.S. Karakat, District- Rohtas at Present Working as Assistant Clerk in the School T.K. Ghosh Academy, Government High School, Patna.
3. Santosh Kumar Tiwary, Son of late Ramendra Tiwary, Resident of Village- Amehta, P.S. Agiaw Bazar, District- Bhojpur.
4. Nilesh Kumar, Son of late Narendra Prasad, Residing at Pakka Gali, West Lohanipur, P.S. Kadamkuan, District- Patna.
5. Rakesh Kumar, Son of late Dinesh Kumar, Residing at Pirmuhani P.S. Kadamkuan, District- Patna.
6. Dilip Kumar, Son of late Mahesh Prasad, Resident of Village-Kalyani Colony, P.S. Anisabad, District- Patna.
7. Amit Kumar, Son of late Satyendra Kumar, Residing at Mithapur, P.O. Lai, P.S. Bihta, District- Patna.
8. Dwijdev Kumar, Son of late Jay Kumar, Residing at Deepkula, P.O. Barni, P.S. Dhanarua, District- Patna.
9. Ranjeet Kumar, Son of late Laleshwar Prasad Sinha, Residing at Near Rigal International School, Vikash Nagar, Road No. 2, Sandalpur Road, P.s. Kumhrar, District- Patna.
10. Rajesh Chandra , Son of late Dinesh Prasadn Singh, Residing at Sudama Bhawan, Quarter No. A1-26, Roshan Cooperative Colony, Transport Nagar, P.S. Kumhrar, District- Patna.
11. Sunil Kumar, Son of late Madan Lal Vishwarkarma, Residing at Village and P.S. Bikram, District- Patna.
12. Roshan Kumar, Son of late Gauri Shankar, Residing at Paghari, P.S. Baheri, District- Darbhanga, All are Present Working in the Office of District Education Office, Patna, District- Patna as Assistant Clerk.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Additional Chief Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Director Secondary Education, Govt. of Bihar, Patna.
5. The Regional Deputy Director of Education, Patna Division, District- Patna.
6. The District Education Officer, Patna, District- Patna.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
Mr. Dhandev Kumar, Advocate
For the Respondent/s : Mr. Rajeev Ranjan, AC to GP-20

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-11-2024 Heard the parties.

2. The petitioners who were duly appointed as Clerk and have been discharging their duties within the establishment of Regional Deputy Director, Patna have approached this Court seeking a direction upon the respondents to consider their cases for grant of pay scale of Rs. 4000-6000/- in pursuance of the order dated 23.07.2018 passed by the Hon'ble Court in C.W.J.C. No. 3353/2018, C.W.J.C. No. 8821/2018 as well as order dated 23.06.2017 passed in L.P.A. No. 167 of 2016 by which the Court directed the respondents to ensure the benefit of the pay scale of Rs. 4000-6000/- to the identically situated employees, like the petitioners with effect from the date of their appointment.

3. Learned Advocate for the State has submitted that since identical writ petitions have been disposed off with a direction to consider the respective claims of the similarly situated persons, in case the writ petitioners also approached before the concerned authority, there claims shall also be considered and disposed off in accordance with law.



4. Having considered the nature of the grievance and the contention of the petitioners that the case of the petitioners are squarely covered by the order passed by the learned co-ordinate Bench as well as Division Bench of this Court, as noted hereinabove, this Court deems it fit and proper to dispose off the writ petition with a direction to the respondent no. 5 to examine the case of the petitioners in the light of the afore-noted orders/decisions and pass appropriate orders in accordance with law, within a period of three months from the date of receipt/production of a copy of this order.

5. Suffice it to say that if the claim of the petitioners are found identical to those with whom the petitioners are seeking parity, similar benefit must be accorded to them, however in case the respondent concerned is unable to accept the contention of the petitioners, he would be obliged to pass a reasoned and speaking order.

6. The writ petition is accordingly disposed off.

(Harish Kumar, J)

supratim/-

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