

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6297 of 2020

1. Umashankar Thakur S/o- Rameshwar Thakur Resident of Village- Somgadh, Bishunpur Kalayan, P.S.- Sahebganj, P.O.- B. Kalyan, District- Muzaffarpur, at present posted as Clerk, High School Pokhrai, District- Muzaffarpur.
2. Sanjay Kumar S/o- Dharamnath Singh Resident of Village- Fanda, P.S.- Paroo, P.O.- Madhaol, District- Muzaffarpur, at present posted as Clerk, High School Kanti, District- Muzaffarpur.
3. Vishwabandhu Kumar S/o- Umesh Prasad Singh Resident of Village- Gokula, P.S.- Paroo, P.O.- Gokula, District- Muzaffarpur, at present posted as Clerk Navrashtra High School Patahi, District- Muzaffarpur.
4. Rishi Kumar S/o- Late Birendra Kumar Singh Resident of Town- Muzaffarpur, P.S.- Ahiyapur, P.O.- H.P.O., District- Muzaffarpur, at present posted as Clerk, Kanta High School Gaighat, District- Muzaffarpur.
5. Rishikesh Raman S/o- Rewati Raman Resident of Village- Purushottampur, P.S.- Maniyari, P.O.- Purushottampur, District- Muzaffarpur, at present posted as Clerk, Bhola Singh High School Purushottampur, District- Muzaffarpur.
6. Nishant Samdarshi S/o- Late Surya Bhusan Sharma Resident of Town- Muzaffarpur, P.S.- Brahmapura, P.O.- M.I.T., District- Muzaffarpur, at present posted as Clerk, M.S.K.B. Plus 2 High School Muzaffarpur, District- Muzaffarpur.
7. Shailesh Kumar Singh S/o- Ramanand Singh Resident of Mohalla- Saketpuri, Road No.- 3, Bhagwanpur, Town- Muzaffarpur, P.S.- Sadar, P.O.- Bhagwanpur, District- Muzaffarpur, at present posted as Clerk, High School Panapur, District- Muzaffarpur.
8. Madhav Kumar Jha S/o- Late Shubh Chandra Jha Resident of Village- Chakmohabbat, P.S.- Ahiyapur, P.O.- Bhikhanpur, District- Muzaffarpur, at present posted as Clerk, D.N. High School Muzaffarpur, District- Muzaffarpur.
9. Basant Kumar S/o- Ramshreshth Ray Resident of Village- Hirouta Dumma, P.S.- Tariyani, P.O.- Hirouta, District- Sheohar, at present posted as Clerk, R.K.P.N. Plus 2 High School Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Secondary Education, Education Department, Bihar, Patna.
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
5. The District Education Officer, District- Muzaffarpur.
6. The District Programme Officer, Establishment, District- Muzaffarpur.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Nalin Kumar
For the Respondent/s : Mr.Prabhakar Jha (Gp27)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 05-03-2024

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Tilka Manjhi Bhagalpur University.

2. This writ application has been filed for the following relief/s:-

(i) *For issuance of writ in appropriate nature upon the respondent authorities for payment of current salary and arrear of salary in revised scale i.e. Rs. 4000-6000/-, in place of current pay scale Rs.3050-4500 to the petitioners from the date of their respective joining in the light of order dated 03.10.2018 passed by the Hon'ble High Court in C.W.J.C. No.-17151 of 2018, in view of order dated 12.12.2019 passed by the Hon'ble High Court in C.W.J.C. No.-24820 of 2019 and in the light of order dated 23.06.2017 passed by the Hon'ble Division Bench of the Patna High Court in L.P.A. No.-167 of 2016 and also further consequential benefits.*

(ii) *For commanding the respondent authorities to grant all consequential benefits.*

(iii) *Any other relief/reliefs that the petitioners may be found to be entitled to in the facts and circumstances of the present case."*

3. At the very outset, learned counsel for the petitioner submits that the case of the petitioner is squarely covered with the order dated 28.11.2023 passed in CWJC No.6661 of 2021.



4. In light of the fair submission made by learned counsel for the petitioner, in my view, no useful purpose would be served in keeping this writ application pending.

5. The observation made in CWJC No.6661 of 2021 fully applies in this case that taking into consideration the fact that State Government has already come out with the decision to comply with the order passed in LPA No.167/2016 subject to the final outcome of civil review and the litigation policy of the State Government and various orders passed by other Benches of this Court granting similar relief to similarly situated persons, in my opinion the writ application can be disposed of granting similar relief to the writ petitioners in terms of the order passed by Division Bench of this Court in LPA No.167 of 2016.

6. Accordingly, the writ petition stands disposed of exactly in terms of the order passed in LPA No.167 of 2016. This however shall be subject to the final outcome of the result of Civil Review No.236/2019 pending before Larger Bench.

7. It is made clear that benefit to the petitioners shall be granted subject to filing undertaking by them before the concerned authorities regarding refund of the amount received by them if the issue pending before Larger Bench/and/or Civil



Review No.236/2019 goes in favour of the State Government.

(Anjani Kumar Sharan, J)

pallavi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.03.2024
Transmission Date	N.A.

