

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7884 of 2024

1. Sandeep Kumar S/o Late Kamleshwar Prasad Sinha, R/o- New Chandmari, Near M.S Collage, P.O.- Motihari, P.S.- Nagar Thana, Dist.- East Champaran, Presently Working as Clerk in the Office of District Education Officer, East Champaran.
2. Md. Sadre Alam, S/o Late Md. Shamsul Haque, R/o- Vill.- Shekhauna, P.O.- Bagha, P.O.- Ghorashahan, Dist.- East Champaran, Presently Working as Clerk in the Office of District Education Officer, East Champaran.
3. Praveen Kumar Singh, S/o- Late Bachan Singh, R/o- Vill.- Olhan, P.O.- Mehta Tola, P.S.- Harshidhi, Dist.- East Champaran, Presently Working as Clerk in the Office of District Education Officer, East Champaran.
4. Tabrej Alam, S/o- Late Md. Moizuddin, R/o- Vill.- Mujauna, P.O.- Anjua, P.S.- Sikarpur, Dist.- West Champaran, Presently Working as Clerk in Govt. 10 Plus- 2 High School, Turki, Muzaffarpur.
5. Harishankar Rai, S/o- Late Bharat Sharma, R/o- Vill.- Ratanpura, P.O.- Pokharia, P.S.- Chanpatiya, Dist.- West Champaran, Presently Working as Clerk in the Office of District Education Officer, East Champaran.
6. Kamod Paswan, S/o- Late Sumitra Paswan R/o- Vill.- Raghobpur, ward No-06, P.S- Punaura, Dist.- Sitamadhi, Presently Working as Clerk in the Office of District Education Officer, Muzaffarpur.
7. Suresh Prasad, S/o- Late Yogendra Prasad R/o- Vill.- Katkenwa, P.O.- Bhawanipur Bazar, P.S- Adapur, Dist.- East Champaran, Presently Working as Clerk in Nathuni Durga High school, Purendra Bhelari, East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director Secondary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
4. The District Education Officer, East Champaran.
5. The District Education Officer, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Gyan Shankar, Adv.
For the Respondent/s : Mr.Government Pleader 17

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 16-05-2024

Heard learned counsel for the petitioners and learned



counsel for the State.

2. By filing the present writ application, the petitioners have prayed for the following reliefs:

I) To issue of a writ/writs or order/orders commanding the respondent Authorities to grant the pay scale of Rs. 4000-6000/- (Grade Pay Rs. 2400) instead of Rs. 3050-4590/- (Grade Pay 1900) to the petitioner from the date of their appointment, who are presently working as Clerk in the education department considering the orders passed by this Court in L.P.A. No. 167 of 2016, C.W.J.C. No. 4065 of 2020, C.W.J.C. No. 188 of 2021, L.P.A. No. 1702 of 2017 and L.P.A. No. 766 of 2019, C.W.J.C. No. 6670 of 2023 and other analogous cases, as in light of the said orders, the similarly situated employees like the petitioners have been granted the pay-scale of Rs. 4000-6000/- (Grade Pay Rs. 2400) from date of their appointment.

II) To command the respondent Authorities to pay the arrears of difference of salary to the petitioners in the revised scale of Rs. 4000-6000/- (Grade Pay Rs. 2400) from the date of his appointment with all consequential benefits.

III) To issue any other writ(s), order(s) or direction(s) as may be deemed fit and proper by this Court.

3. Learned counsel for the petitioners submits that the order passed by LPA Court is being complied by the State authorities subject to final outcome of Civil Review No. 236 of



2019 preferred by the State which would be evident from letter bearing no. 1620 dated 23.01.2023 & 3628 dated 21.04.2023 issued by General Administration Department, Govt. of Bihar as well as Finance Department of Government of Bihar, respectively. He further submits that a Co-ordinate Bench of this Court taking into consideration various orders passed by different Benches of this Court has granted similar relief to similarly situated persons in C.W.J.C. No. 188 of 2021 by order dated 09.07.2021.

4. On the other hand, learned counsel for the State submits that two conflicting orders were passed by two Division Benches of this Court, one in favour of similarly situated petitioners and another in favour of the State. The two LPAs and LPA No. 167/2016 in which relief was granted to the petitioners and another is LPA No. 100 of 2012 in which order was passed in favour of the State. In view of two conflicting orders passed by LPA Courts, a Single Bench of this Court referred the matter before Larger Bench where the civil review filed by the State along with the two LPAs are pending consideration. He further submits that a civil review application has been filed against the order passed by LPA Bench of this Court in LPA No. 167/2016. Accordingly, submission is that all these writ petitions be listed



after disposal of Civil Review No. 236 of 2019.

5. Considering the arguments of the parties and from perusal of the materials on record, it appears that several Benches of this Court has passed order in favour of similarly situated petitioners claiming pay scale of Rs. 4000-6000/- previously on the basis of Division Bench judgment of this court passed in LPA No. 167 of 2016.

6. It is true that civil review preferred against the aforesaid judgment is pending before Larger Bench however the State in its General Administrative Department as well as Finance Department has come out with letters to comply with the order passed in LPA No. 167 of 2016 subject to final outcome of Civil Review No. 236 of 2019. Recently also by order dated 08.11.2023 District Magistrate, Kaimur (Bhabhua) has complied with the directions of LPA Bench granting pay scale of Rs. 4000-6000/- to similarly situated persons subject to final outcome of Civil Review No. 236 of 2019 pending before Larger Bench.

7. Bihar State Litigation Policy, 2011 in its clause 4.C(1) says as follows:

“4.C(1). A good number of cases are from the category of similar cases. Each government Department will aim to consider and settle the claim of the representationist/applicant employee/citizen, if the claim is found covered by



any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.”

8. 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, all the writ applications can be disposed of granting similar relief to the writ applications 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.

9. Accordingly, the present writ petition is 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.

10. 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 of 2019 goes in favour of the State Government.



11. In view of the facts aforementioned, this writ application is disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.05.2024
Transmission Date	NA

