

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8470 of 2024

1. Swaraj Kumar Sinha son of Late Akhourri Ganesh Prasad Sinha, Resident of Mohalla- Rajendra Puri, Kalambag Road, Near L.S. College, P.O. and P.S.- Muzaffarpur, District-Muzaffarpur.
2. Daya Shankar Prasad Sinha, son of Late Maheshwar Prasad Sinha, Resident of Mohalla- Majholia Road, Near Railway Gumti No.5, Jay Prabha Nagar, Lane No.2, House No.14, P.S.- Mahammadpur Kazi, P.O. and District-Muzaffarpur.
3. Narendra Kumar, son of Late Raghubir Prasad, Resident of Mohalla- Kanti Factory Road, North of Budha Dental College, Kankarbagh, Patna, Lohia Nagar, Patna, P.O.- Bahadurpur Housing Colony, P.S.- Patrakar Nagar, District-Patna.
4. Ram Swarup Singh, son of Late Jhagaru Singh, Resident of Mohalla- Ward No.13, Rambhadra, P.O. and P.S.- Hajipur, District- Vaishali.
5. Rajendra Singh, son of Late Bharat Singh, Resident of Village- Larpur Bhadeji, Manpur, P.O. and P.S.-Manpur, District- Gaya.
6. Vishwanath Singh, son of Late Sita Ram Singh, Resident of Village-23, Dubhal, P.O.- Chand Chaura, P.S.-Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through its Finance Secretary, Finance Department, Govt. of Bihar, Patna.
2. The Principal Secretary, P.H.E.D., Bihar, Patna, Visheshwaraiya Bhawan, Bailey Road, Patna.
3. The Engineer-in-Chief-cum-Special Secretary, P.H.E.D. Bihar, Patna, Visheshwaraiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, Public Health Engineering Circle, Muzaffarpur.
5. The Superintending Engineer, P.H. Engineering Circle, Patna.
6. The Superintending Engineer, P.H. Engineering Circle, Purnia.
7. The Superintending Engineer, P.H. Engineering Circle, Sasaram.
8. The Executive Engineer, P.H. Division, Muzaffarpur.
9. The Executive Engineer, P.H. Division, Hajipur.
10. The Executive Engineer, P.H. Division, Patna West.
11. The Executive Engineer, P.H. Division, Sasaram.
12. The Executive Engineer, P.H. Division, Arariya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Lalan Kumar Singh, Advocate
For the Respondent/s : Mr. Madanjeet Kumar, GP-20

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH



ORAL JUDGMENT

Date : 21-11-2024

Heard Mr. Lalan Kumar Singh, learned counsel appearing on behalf of the petitioners and Mr. Madanjeet Kumar, learned GP-20 for the State.

2. The petitioners in paragraph no. 1 of the present writ petition have sought *inter alia* following relief(s), which is reproduced hereinafter:

"1. That by this writ application, the petitioners seek indulgence of this Hon'ble Court for issuance of an appropriate writ or writs, direction or directions commanding the Respondents to consider and grant of similar pay scale of Rs.6500-10500 [P.B.-2+4800] in 1st ACP and Rs. 10000-15200 [Pay Band-3 + 6600] in 2nd ACP in the light of the judicial order passed in CWJC No. 18433 of 2016 and analogous cases, which has been affirmed by the Hon'ble Apex Court on 25.04.2023 as well as the clause 4 C (1) of the Bihar State Litigation Policy, 2011 under Chapter-IV and the said pay scale has been granted to the similarly situated persons by Resolution of the Finance Department, Bihar bearing Memo No. 163 dated 8.1.2016."

3. Petitioners are aggrieved by non consideration of his detailed representation in light of Clause 4 C (1) of the Bihar State Litigation Policy, 2011 and the judgment passed by the Apex Court in ***S.L.P. No. 8219-8226 of 2019 (Amresh Kumar Singh & Ors. ETC. vs. The State of Bihar & Ors. ETC.)***, as well as, the government notification complied with the law laid down by the Apex Court as contained in Letter No. 3A-Muka.-136/2019 dated 28.02.2024. The Executive Engineer, P.H. Division, Muzaffarpur, for the reason best known to him, is



sitting tight over the representation of the petitioners.

4. Learned counsel appearing on behalf of the State informs that the matter can well be considered by the Principal Secretary, Public Health Engineering Department, Government of Bihar, in light of the law laid down by the Apex Court in case of *Amresh Kumar Singh (Supra)* and in light of Clause 4 C (1) of the Bihar State Litigation Policy, 2011 for considering to grant relief as prayed for in the present writ petition to the petitioners.

5. Considering the rival submissions made on behalf of the parties, as well as, the admitted fact that the case of the petitioner is covered by the judgment passed by the Apex Court in case of *Amresh Kumar Singh (Supra)*, the petitioners are directed to file fresh detailed individual representation before the Principal Secretary, Public Health Engineering Department, Government of Bihar.

6. The Principal Secretary, Public Health Engineering Department, Government of Bihar, is directed to call for the service particulars of the petitioners and take a conscious decision in respect of the relief as prayed for in the present writ petition so that the petitioners must not be discriminated for having not their case being considered for a long period of time



in spite of the specific legislation of the State Government in respect of the Bihar Litigation Policy, 2011 for disposal of such matters, which require no further litigation.

7. The Principal Secretary, Public Health Engineering Department, Government of Bihar, in case, finds that any document is required from the petitioners, the petitioners should be given due opportunity to provide the same and, in case, he finds that the case of the petitioners are not similar to the other employees, in whose cases, the Hon'ble Supreme Court has laid down the law in case of *Amresh Kumar Singh (Supra)*, then, after providing due opportunity of hearing to the petitioners, a conscious decision is required to be taken by him in accordance with law giving reason, as to why, the case of the petitioners is not covered by the *Amresh Kumar Singh (Supra)* and don't required to be considered in light of Bihar Litigation Policy, 2011.

8. With above observations/directions, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	25.11.2024
Transmission Date	N/A

