

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8514 of 2024

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1. Mohammad Zeyauddin Khan Mohammad Zeyauddin Khan Resident of Village - Barwa, PS- Shikarpur, District- West Champaran.
 2. Md. Jawed Son of late Ehasan Ali Resident of village- Diuliya, Ward No.- 06, P.S.- Shikarpur, District- West Champaran.
 3. Jitendra Kumar Srivastava Son of Vijai Bahadur Lal Resident of Behind Town Area Office, P.S.-Sohratgarh, District- Siddharth Nagar, State- Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, SEcondary Education, Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Regional Deputy Director, Muzaffarpur Division, District- Muzaffarpur .
4. The District Education Officer, West Champaran at Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar
For the Respondent/s : Mr. Government Pleader (16)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-11-2024

The petitioners seek the following reliefs:-

I. For issuance of writ in the nature of writ of mandamus or any other appropriate order or direction directing the Respondents to grant the pay scale of Rs.4000-6000 to the petitioners with effect from their respective date of appointment.

II. For issuance of writ in the nature of writ of mandamus or any other writ order or direction directing the Respondents the pay the



arrears of salary which became due on account of delay in granting the pay scale of Rs.4000-6000.”

2. Learned counsel for the petitioners submits that the case of the petitioners are squarely covered by order dated 28.11.2023 passed in CWJC No. 24678 of 2019.

3. Learned counsel for the parties are in agreement that similar issue has already been decided by a Division Bench of this Court in LPA No. 167 of 2016 vide order dated 23.06.2017 directing the respondents to pay the benefit of pay scale of Rs. 4000/--6000/- to the writ petitioners with effect from the date of appointment. It is also not in dispute that petitioners are similarly situated to those writ petitioners who were party to LPA No. 167 of 2016.

4. Learned counsel for the petitioners submits that the order passed by the 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 and 3628 dated 21.04.2023 issued by General Administration Department, Govt of Bihar as well as Finance Department of Government of Bihar respectively.

5. In the aforesaid facts and circumstances of the case,



this application is also disposed of in terms of order dated 28.11.2023 passed in C.W.J.C No. 24678 of 2019 and other analogous cases, in terms of order dated 23.06.2017 passed in L.P.A No. 167 of 2016 and subject to final outcome of Civil Review No. 236 of 2019.

6. It is made 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.

(Prabhat Kumar Singh, J)

Prakash/-

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