

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8435 of 2024

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Yogendra Prasad Dinkar Son of Late Devan Singh Resident of Mohalla-Bagdulhan, Ram Balak Chowk, Hajipur, P.S.- Hajipur Town, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through its Finance Secretary, Finance Department, Government 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. Government of Bihar, Patna.
4. The Superintending Engineer, Public Health Engineering Circle, Muzaffarpur.
5. The Executive Engineer, Public Health Division, Hajipur, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lalan Kumar Singh, Advocate
		Mr. Amit Anand, Advocate
For the Respondent/s	:	AC to GA-8

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 21-11-2024

Heard Mr. Lalan Kumar Singh, learned counsel
along with Mr. Amit Anand, learned counsel appearing on
behalf of the petitioner and learned AC to GA-8 for the State.

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

"1. That by this writ application, the petitioner challenges the dispute, the legality and validity of the order contained in Memo No. 462 dated 9.4.2024 passed by the Principal Secretary of the Public Health Engineering, Bihar, Patna, whereby and where under rejected the claim of the petitioner on the ground that the said claim is not admissible to the petitioner in pursuant to the decision taken by the Finance Department, Bihar, Patna by its letter no.2162 dated 28.2.2024



and the Resolution No.163 dated 8.1.2016, which is wholly illegal, arbitrary, malafide, unreasonable, contemptous and violation of the judicial order as well as the Bihar State Litigation Policy 2011 under the provision of clause 4C (1), petitioner prays for issuance of an appropriate writ in the nature of writ of "Certiorari" to quash the said impugned order dated 9.4.2024 passed by the Principal Secretary of the P.H.E.D., Bihar, Patna and further prays for issuance of an appropriate writ of Mandamus commanding the Respondents to consider and grant the same pay scale of Rs.6500-10500 [P.B.-2 + 4800] in 1st ACP and Rs. 10000-15000 [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 25.4.2023 as well as the matter covered under the provision of clause 4C (1) of the Bihar State Litigation Policy 2011 and the said pay scale has been granted to the similarly situated Employees, by Resolution of the Finance Department, Bihar, Patna, bearing Memo No.163 dated 8.1.2016, which has been implemented in compliance of the Hon'ble Apex Court judgment dated 25.4.2023."

3. Petitioner is 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, Hajipur, Vaishali, for the reason best known to him, is sitting tight over the representation of the petitioner.

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 petitioner.

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 petitioner is directed to file fresh detailed 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 petitioner and take a conscious decision in respect of the relief as prayed for in the present writ petition so that the petitioner must not be discriminated for having not his 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 petitioner, the petitioner should be given due opportunity to provide the same and, in case, he finds that the case of the petitioner is 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 petitioner, a conscious decision is required to be taken by him in accordance with law giving reason, as to why, the case of the petitioner 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

