

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7136 of 2018

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Santosh Kumar Tiwari son of Late Baijnath Tiwary, resident of Village and P.O.- Chausa, Police Station- Buxar M, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Minor Water Resources Department, Government of Bihar, New Secretariat, Pa
4. The Engineer-in- Chief, Minor Water Resources Department, Government of Bihar, Bisheshwariya Bhawan
5. The Chief Engineer, Minor Water Resources Department, Government of Bihar, Sheikhpura, Patna.
6. The Executive Engineer, Minor Irrigation Division, Rohtas, Sasaram.
7. The District Accounts Officer, Rohtas, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mukul Prasad
For the Respondent/s : Mr. Ajeet Kumar, G.A.-9

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 29-04-2024 Learned counsel for the petitioner and counsel for the State are present.

2. This writ petition is filed for quashing of the Letter No. 232 dated 09.02.2018 issued by the District Accounts Officer, Rohtas, Sasaram as contained in Annexure-1 of the present writ petition by which grade pay of the petitioner fixed as Rs. 2400/- with effect from 01.01.2016 has been objected and sought to be recovered and adjusted.

3. Counsel for the petitioner submits that his case has



been squarely covered from the case of one ***Madan Prasad Singh Vs. State of Bihar & Anrs.*** passed in *C.W.J.C. No. 12040 of 2019 dated 13.01.2021.*

4. Learned counsel for the State submits that the writ petition has been filed in very cryptic manner without furnishing his details as on what post he was working and also without mentioning how he is entitled to get grade pay of Rs. 2,400/- but he fairly submits that let the petition be disposed off directing the petitioner to file a fresh representation before the authority concerned (Respondent No. 7) and the authority may be directed to pass reasoned and speaking order if his case has been found exactly similar to the case of ***Madan Prasad Singh Vs. State of Bihar & Anrs.(Supra).***

5. Upon hearing the parties, this Court is of the firm view that if the petitioner's case is exactly similar to the case of ***Madan Prasad Singh Vs. State of Bihar & Anrs.(Supra)*** than in that case, he is entitled to get relief under Clause 4(C) of the Bihar Litigation Policy, 2011. As such, this writ petition is disposed off directing the petitioner to file representation a fresh within four weeks along with the order passed by this Court and the Respondent No. 7 is directed to pass reasoned and speaking order on the representation of the petitioner within 90 days from



the receipt/production of the order passed by this Court.

6. It is made clear, that 90 days shall counted from the date of which Lok Sabha Election concludes.

7. The petitioner shall be at liberty to raise all his claims including the claims mentioned in the interlocutory application.

(Dr. Anshuman, J)

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