

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14390 of 2021

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1. Shailesh Kumar Chaubey S/o Late Raj Narayan Chaubey R/o- Village and P.O.- Khajhara, District- Kaimur.
 2. Om Prakash S/o Late Phul Chand Ram R/o- Village and P.O.- Badhupar, P.S.- Mohaniya, District- Kaimur.
 3. Pyare Lal S/o- Late Sharda Prasad R/o- Village- Kudra, P.O.- Kudra, District- Kaimur presently residing at Jhanbad, Station Road, Ward No- 2, Jahanabad, District- Kaimur.
 4. Javed Ali S/o- Late Mohammad Shahabuddin R/o- Village- Rautpur, P.O.- Bhojapur, District- Chandauli (Utter Pradesh).
 5. Praveen Kumar S/o- Late Dadan Ram R/o- A.D.M Road, Khemnichak, Mangal Chok, Sampatchak, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The District Education Officer, Kaimur.
4. The District Programme Officer, Kaimur.
5. The District Education Officer, Patna.
6. The District Programme Officer, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2149 of 2024

1. Dhirendra Kishor S/o Harendra Kishor Pandey, R/o - At Prem Nagar, Ward No. - 6, Near Railway Station, Sugauli, P.O. and P.S. - Sugauli, Dist. - West Champaran, Presently Working as Clerk in S.G.M Plus 2 High School, Ramgarhwa, East Champaran.
2. Poonam Kumari, W/o Late Binod Babu, R/o - Block Road, Raxaul, Ward No. - 15, Opposite of H.P. Gas Agency, Raxaul, Dist. - East Champaran, Presently working as Clerk in Hazarimal Plus 2 High School, Raxaul, East Champaran.
3. Nadeem Ahsan, S/o - Late Md. Shafiullah, R/o - Mohalla - Nakchhed Tola, Ward No. - 17, P.O. and P.S. - Motihari, Dist. - East Champaran. Presently working as Clerk in J.B.V.P.C.J.P Senior Secondary School, Adapur, 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 District Education Officer, East Champaran.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 14390 of 2021)

For the Petitioner/s : Mr. Gyan Shankar

For the Respondent/s : Mr. Subash Chandra Mishra (Sc16)

(In Civil Writ Jurisdiction Case No. 2149 of 2024)

For the Petitioner/s : Mr. Gyan Shankar

For the Respondent/s : Mr. Government Pleader 17

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 23-04-2024

Heard learned counsel for the parties.

2. The petitioners have moved before this Court for the following reliefs:

“(i) For issuance of appropriate writ(s), order(s), direction(s) for payment of current and arrear of salary in revised scale i.e. Rs. 4000-6000 in place of current pay scale Rs. 3050-4500 to the petitioners from the date of joining in the light of order passed by Hon’ble High Court in C.W.J.C. No. 17151/2018 dated 03.10.2018 and L.P.A. No. 167/2016 dated 23.06.2017.”

3. Learned counsel for the petitioners submit 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 submitted 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 L.P.As are L.P.A. 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 petitioners in terms of the order passed by Division Bench of this Court in LPA No. 167 of 2016.

9. Accordingly, these writ applications are 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 / 2019 goes in favour of the State Government.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.04.2024
Transmission Date	NA

