

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9990 of 2024

1. Krishna Prasad Bosphor Son of Shyamsundar Bosphor Resident of Village- Ganv Hisuadih, P.O.- Hisua, P.S.- Hisua, District- Nawada.
2. Bhim Kumar, Son of Sukhdeo Singh, Resident of Village and P.O.- Teyar, District- Nawada.
3. Anil Kumar, Son of Nuneshwar Lal, resident of Village- Navin Nagar, P.O.- Sadar Hospital, P.S.- Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Health Department, Government of Bihar, Patna.
4. The Director-in-Chief (Administration), Health Department, Government of Bihar, Patna.
5. The Regional Additional Director, Health Services, Magadh Division, Gaya.
6. The Civil Surgeon cum Chief Medical Officer, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shree Kant Pandey, Advocate
For the Respondent/s : Mr.Advocate General

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-07-2024 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ petition has been filed for the
following relief :-

“That this is an application for
issuance of a Writ/Writs order/orders
commanding the respondent authorities to grant
the pay scale of Rs. 4000-6000 (5200-20200
Grade Pay 2400) instead of Pay Scale Rs.3050-
4590 Grade Pay 1900 to the petitioners from the
date of appointment who are working as



Assistant in different offices of Health Department under Civil Surgeon Nawada in the light of order passed by Hon'ble Court in L.P.A No. 167 of 2016 dated 23/6/2017 and C.W.J.C No. 188 of 2021 order dated 9/7/2021 by which other similarly situated person like the petitioners who were also working as Clerk (Assistant) have been granted Pay Scale Rs. 4000-6000 also commanding the Respondent authorities to pay the arrears of difference salary to the petitioners in the revised scale of Rs. 4000- 6000 from the date of appointment with all consequential benefits and or pass appropriate order/orders as deem fit and proper.”

3. Learned counsel for the petitioners submits that this Hon'ble Court has pleased to decide the same issue in different cases and in this regard, he has submitted his representation which is Annxure P-2 series before the respondent No. 6, namely, the Civil Surgeon cum Chief Medical Officer, Nawada, but no decision has been taken on his representation till date. Thereafter, the petitioners moved before this court by filing the present writ petition.

4. Learned counsel for the State submits that the case of the petitioners is not covered as mentioned in the representations, but it is also true that the said representations have not been disposed off till date. In this view of the matter, a direction may be given to respondent No.6, namely, the Civil



Surgeon-cum- the Chief Medical Officer, Nawada to consider their representations.

5. Upon hearing the parties and considering the claim of the petitioner, this Court feels it necessary to quote Clause 4.C(1) of the Bihar State Litigation Policy, 2011, as under :-

“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.”

6. In the light of the submissions made by the parties, this Court directs the respondent No.6, namely, the Civil Surgeon-cum- the Chief Medical Officer, Nawada that he shall consider and dispose of the representations dated 18.01.2023 and 02.02.2023 filed by the petitioners (as contained in Annexure -P2 series) in the light of Clause 4.C(1) of the Bihar State Litigation Policy, 2011, after granting adequate opportunity of hearing by a reasoned and speaking order within 90 days from the date of production of a copy of this order.

7. It is made clear that this Court has not applied its mind on the merit of the case. Therefore, it is the respondent who has to look into the representations minutely.



8. With the aforesaid observation and direction,
the present petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

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