

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11362 of 2024

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1. Bipin Kumar Singh S/o Late Bangali Prasad Singh, resident of village Chaksamya, P.O. Samyagarh, District Patna.
 2. Shambhunath Pandey S/o Late Bachchu Pandey, resident of Sadura, P.S. Paliganj, P.O. Sekariay, District Patna.
 3. Ayodhya Prasad S/o Late Shivlagan Prasad village and Post Lala Bhadsara, P.S. Dulhin Bazar, District Patna.
 4. Rajniti Prasad Singh S/o Late Saryu Prasad Singh, resident of Village Darwe, P.O. Bahadthur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department Govt. of Bihar have his office at Vikas Bhawan (New Secretariat) P.S. Sachivalaya, District Patna.
2. The Additional Chief Secretary, Finance Department Govt. of Bihar having his office at old Secretariat, P.S. Sachivalaya, District Patna.
3. The Director-in-chief, Health Department having his office at Vikas Bhawan (New Secretariat) P.S. Sachivalaya, District Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Vikas Mohan, Advocate
For the Respondent/s	:	Mr.Shiv Kumar, Ac to GA 3

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-08-2024 Heard Mr. Vikas Mohan, learned counsel appearing on behalf of the petitioners and Mr. Shiv Kumar, learned AC to GA 3 for the Respondents/State.

2. Learned counsel submitted that the petitioner no.1 had joined on the post of Health Visitors (Tuberculosis) on 28.05.1986 in Public Health Office, Palamu, Daltenganj and retired on 28.02.2014 from Tuberculosis Centre, Saraikela, Kharsawan (Jharkhand). Petitioner no.2 was appointed on the said post on 31.03.1979 at the District Tuberculosis Centre, Sasaram and retired on 31.01.2017 from the District Tuberculosis Centre, Palamu (Jharkhand). Petitioner no.3 was



appointed on the said post on 22.01.1987 and retired on 30.04.2021 from the District Tuberculosis Centre, Ranchi (Jharkhand). Petitioner no.4 was appointed on the said post and retired on 28.02.2013 from the District Tuberculosis Centre Kodrama (Jharkhand). The petitioners after the re-organization of the State of Bihar had opted for State of Jharkhand and accordingly, they retired from the State of Jharkhand.

3. Learned counsel further submitted that they have already filed a representation before the Additional Chief Secretary, Health Department, Government of Bihar for considering the fact that they have also served in the State of Bihar and the same is pending before him for considering their case.

4. I have perused the records of the case from which it appears that the petitioners for the similar relief(s) had preferred a Writ Petition before the Jharkhand High Court and the order of the Writ Court was set aside in LPA (D.B.) No.612 of 2017. The Hon'ble Division Bench relying on the decision of the Apex Court in the case of ***Punjab State Power Corporation Ltd. Vs. Rajesh Kumar Jindal & Ors.*** reported in (2019) 3 SCC 547 has categorically held that ***“The burden of proof in establishing parity in pay scales and the nature of duties and***



responsibilities is on the person claiming such right.”

Accordingly, the claim of the petitioners for giving equal pay to all three posts has been made only on the basis of the ‘equal pay for equal work’.

5. Considering the fact that the petitioners had opted for the State of Jharkhand and the relief, which has been sought for in the present writ petition, has already been decided by the Division Bench of Jharkhand High Court in LPA (D.B.) No.617 of 2017, I do not find merit in the present writ petition and the same is accordingly dismissed.

6. The petitioners have filed their representation before the Additional Chief Secretary, Health Department, Government of Bihar and the same is pending and requires consideration in respect of the petitioners, who have claimed that for certain period, they had also rendered service in the erstwhile State of Bihar, the Additional Chief Secretary, Health Department, Government of Bihar is directed to dispose of their representation in accordance with the provision of Bihar Reorganization Act, 2000 and law.

(Purnendu Singh, J)

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