

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12449 of 2024

1. Chandan Kumar Mishra son of Late Suryanand, Resident of Mohalla-Adarsh Nagar, Khatkachak, Vishnupad, P.S.- Vishnupad, Chand Chaura, District- Gaya, working as Clerk in Ramchandra Singh Banmali Baba Plus 2 High School, Chand Chaura, Gaya, District- Gaya.
2. Subodh Kumar, son of Late Dayanand Tiwari, Resident of J.M Niwas, West Nutan Nagar, Gaya, P.S. - Civil Lines, District- Gaya, working as Clerk in District Education Office, Gaya, P.S.- Civil Line, District- Gaya.
3. Raja Ram Jha, son of Late Gopal Jee Jha, Resident of Village and P.O and P.S- Benipatti, District- Madhubani, working as Clerk in Leeladhar and 2 High School, Benipatti, Madhubani, District - Madhubani.
4. Radha Kant, son of Late Paltu Kamat, Resident of Village and P.O.- Jafara, P.S.- Bisfi, District- Madhubani, working as Clerk in Saryug Ananat Plus 2 High School, Jafara, Madhubani, District - Madhubani.
5. Mukesh Kumar Prasad, son of Late Mahendra Prasad, Resident of Village and P.O.- Rampatti, P.S.- Rajnagar, District- Madhubani, working as Clerk in Plus 2 Parwati Laxmi Kanya High School, Jhanjharpur, District- Madhubani.
6. Jitendra Kumar, son of Late Lalji Ram, Resident of Village Gonariya, P.O.- Kamla Gopalpur, P.S.- Maner, District - Patna working as Clerk in Raj Kunwar Vidya mandir Uchha Madhyamik Vidyalaya, Gopalpur, P.S.- Maner, District- Patna.
7. Bindhyachal Prasad, son of Late Lalan Ram, Resident of Village and P.O.- Khandricha, P.S.-Sikraul Lakh, District- Buxar, working as Clerk in K.K. Plus 2 Uchha Vidyalaya, Jamorahi, P.S.- Piro, District- Bhojpur at Arrah.

... .. Petitioners.

Versus

1. The State of Bihar through the Director (Secondary Education), Government of Bihar, Patna.
2. The Director (Secondary Education), Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Magadh Division, Gaya.
4. The District Education Officer, Gaya.
5. The Regional Deputy Director of Education, Darbhanga Division, Darbhanga.
6. The District Education Officer, Madhubani.
7. The Regional Deputy Director of Education, Patna Division, Patna.
8. The District Education Officer, Patna.
9. The District Education Officer, Bhojpur at Arrah.

... .. Respondents.



Appearance :

For the Petitioners : Mr. Onkar Kumar, Advocate
Mr. Nawal Kishore Singh, Advocate
For the Respondents : Mr. Anuj Kumar, AC to Standing Counsel 12

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 22-08-2024

Heard learned counsel for the petitioners and learned counsel for the State.

2. By filing the present writ application, the petitioners prayed to issue a direction to the respondent authorities for payment of current and arrears of salary in revised scale i.e. Rs.4000-Rs.6000 and its equivalent grade pay in place of current pay scale of Rs.3050-Rs.4500 and its equivalent grade paid to the petitioners from the date of joining in the light of order passed by this Court in C.W.J.C. No.17151 of 2018 dated 03.10.2018, C.W.J.C. No.25689 of 2019 dated 17.02.2020 and L.P.A. No.167 of 2016 dated 23.06.2017 with all consequential benefits.

3. Learned counsel for the petitioners submits 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 submits 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 LPAs and LPA 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 the Larger Bench where the civil review filed by the State along with the two LPAs are pending for 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, the 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 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, this writ application 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, the present writ application is disposed of exactly in terms of the order passed in LPA No. 167 of 2016. This is, 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 of 2019 goes
in favour of the State Government.

11. With the aforesaid observations and directions,
this writ application is disposed of.

(Anjani Kumar Sharan, J)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2024
Transmission Date	NA

