

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15739 of 2022

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Md. Iltaf Ahmad Son of Kadam Rasool Miyan, Resident of C/o Faijullah Khan, Town Municipal Corporation, Darbhanga, P.S.- Darbhanga, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Engineer-in- Chief-cum- Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Superintending Engineer, Public Health Circle, Darbhanga.
4. The Superintending Engineer, Public Health Design and Planning Circle- II, Patna.
5. The Executive Engineer, Public Health Division, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raja Ram Rai, Adv.
For the Respondent/s : Mr.Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-04-2024 The present writ petition has been filed seeking the following reliefs:-

“1(i). For issuance of a writ in the nature of Mandamus or an appropriate writ/ writs, order/ orders or direction/ directions commanding the respondents to pay the arrear of the salary of the revert period i.e. since 01.06.2002 to 21.6.2014 to the Petitioner, treating his service in work charge establishment in light of the memo no. 925 dated 16.11.2013 passed by the Public Health Engineering Department, Bihar, Patna as well as in compliance of the order dated 16.5.2013 passed in C.W.J.C. No. 7211/2013 (*Yogendra*



Prasad Ashtana Vs. The State of Bihar and others) along with other analogous cases and in compliance of order dated 28.06.2017 passed in CWJC No. 1791 of 2008 (***Virendra Kunwar Versus The State of Bihar and others***).

(ii). For issuance of a writ in the nature of Mandamus or an appropriate writ/ writs, order/ orders or direction/ directions commanding the respondents to make the payment/ salary, of the petitioner, continue with all consequential service benefits.

(iii). Further be pleased to count the total length of service spent under work charge establishment for all other service benefits like ACP/MACP.”

2. At the outset, the learned counsel for the petitioner submits that the case of the petitioner is similar to the case of one ***Birendra Kunwar***, whose writ petition bearing CWJC No. 1791 of 2008 was allowed by a coordinate Bench of this Court, vide judgment dated 28.6.2017, hence, the authorities be directed to examine this aspect of the matter and grant the aforesaid reliefs to the petitioner.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Patna, to consider the case of the



petitioner in light of the judgment, rendered in the case of ***Birendra Kunwar*** (supra) and pass appropriate orders, in accordance with law, within a period of four weeks of filing of appropriate representation along with a copy of the order, passed in the case of ***Birendra Kunwar*** (supra).

4. The present writ petition stands disposed off on the aforesaid terms

(Mohit Kumar Shah, J)

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