

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13372 of 2024

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1. Bishwanath Singh Son of Late Mundrika Singh, resident of village and P.O. Indrapuri, P.S. Rohtas, District - Rohtas at Sasaram, the retired Senior Accounts Clerk Office of the Executive Engineer, Water Resources Department, Sone Barrage Division- Indrapuri, District- Rohtas.
 2. Birendra Prasad Srivastava, Son of Late Kalika Prasad, resident of village- Sherpur Kayasth Tola, Near Shiv Mandir, P.O.- M.I.C. Bela, P.S. Muzaffarpur Sadar, District- Muzaffarpur, the retired Senior Accounts Clerk, Office of the Executive Engineer, Water Resources Department, Tirhut Canal Division No.1, Gandak Project, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Secretary (Expenditure), Finance Department, Government of Bihar, Patna.
4. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
5. The Engineer-in-Chief-cum-Additional Secretary-cum-Special Secretary, Water Resources Department, Government of Bihar, Patna.
6. The Executive Engineer, Water Resources Department, Sone Barrage Division, Indrapuri, District - Rohtas.
7. The Executive Engineer, Water Resources Department, Tirhut Canal Division No. 1 Gandak Project, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Mangalam, Adv. Mr. Awnish Kumar, Adv. Mr. Vikash Kumar Singh, Adv.
For the State	:	Mr. S.K. Sharma (AC to AAG-3)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-09-2024 Heard learned counsel for the petitioners and learned
counsel for the state.

2. From the prayer of the writ petition, it transpires to
this Court that writ petition has been filed for issuance of writ of



mandamus to the respondent but counsel for the petitioners fairly submits that no representation has been filed till date, before the authority concerned, who is in a position to grant the relief for which the present writ petition has been filed. Learned counsel for petitioners further submits that the case of petitioners has been squarely covered from the various judgments made by this Hon'ble Court as well as by Hon'ble Supreme Court of India which has been attached in the present writ petition.

3. Learned counsel for the State submits that since the representation has not been filed, therefore the petitioners may be directed to file a representation before the concerned authority.

4. In the light of the submissions made, the present writ petition is hereby disposed off granting liberty to the petitioners to file a representation raising all the points which they have raised in the present writ petition before the respondent No.4 (the Principal Secretary, Water Resources Department, Government of Bihar, Patna), who shall decide the representation of the petitioners considering all the points which they have mentioned in the present writ petition.

5. It is made clear that the respondent No.4 shall



scrutinize the claim of the petitioners and if it has been found that the case of petitioners are similarly situated as like that of other in whose favour, orders were earlier passed, then in the light of Clause 4(C) of the Bihar State Litigation Policy, 2011, the respondent No4. shall pass order in favour of the petitioners, but in case, it has been found that the case of the petitioners are not similarly situated as like that of other persons as claimed by the petitioners, then the Principal Secretary, Water Resources Department, Government of Bihar, Patna (the respondent No.4) shall pass a reasoned and speaking order within 90 days from the date of filing of their representation, which shall be filed within 30 days from the date of passing of the order. If the petitioners found any entitlement for payment then their payment will be made within six months.

6. With the aforesaid direction, the present writ application stands disposed off.

(Dr. Anshuman, J)

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