

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15667 of 2024

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Anjum Ara W/o Late Reyaz Ahmad Resident of Village- Sapahi, Dhaka, P.O.-
Jhit- Kahiya, P.S.- Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Finance Secretary, Finance Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Building Construction Department, Visheshwaraiya Bhawan, Beli Road, Patna, Bihar.
3. The Engineer-in- Chief Cum Special Secretary, Building Construction Department, Visheshwaraiya Bhawan, Beli Road, Patna, Bihar.
4. The Chief Engineer, Building Construction Department, Visheshwaraiya Bhawan, Beli Road, Patna, Bihar.
5. The Superintending Engineer, Building Circle, Muzaffarpur.
6. The Executive Engineer, Building Division, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lalan Kumar Singh, Advocate Mr. Amit Anand, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Ambastha, SC-26 Mr. Santosh Kumar Mishra, AC to SC-26 Mr. Divit Vinod, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 12-11-2024

Heard Mr. Lalan Kumar Singh, learned counsel

along with Mr. Amit Anand, learned counsel appearing on

behalf of the petitioner and Mr. Manoj Kumar Ambastha,

learned SC-26 assisted by Mr. Santosh Kumar Mishra and Mr.

Divit Vinod, learned AC to SC-26 for the State.

2. The petitioner in paragraph no. 1 of the present writ

petition has sought *inter alia* following relief(s), which is

reproduced hereinafter:



"1. That by this writ application, the petitioners seek indulgence of this Hon'ble Court for issuance of an appropriate writ or writs, direction or directions commanding the Respondents to consider and grant of similar pay scale of Rs.6500-10500 [P.B.-2+4800] in 1st ACP and Rs. 10000-15200 [Pay Band-3 + 6600] in 2nd ACP on behalf of her husband, in the light of the judicial order passed in CWJC No. 18433 of 2016 and analogous cases, which has been affirmed by the Hon'ble Apex Court on 25.04.2023 as well as the clause 4 C (1) of the Bihar State Litigation Policy, 2011 under Chapter-IV and the said pay scale has been granted to the similarly situated persons by Resolution of the Finance Department, Bihar bearing Memo No. 163 dated 8.1.2016."

3. Petitioner is aggrieved by non consideration of his detailed representation in light of Clause 4 C (1) of the Bihar State Litigation Policy, 2011 and the judgment passed by the Apex Court in ***S.L.P. No. 8219-8226 of 2019 (Amresh Kumar Singh & Ors. ETC. vs. The State of Bihar & Ors. ETC.)***, as well as, the government notification complied with the law laid down by the Apex Court as contained in Letter No. 3A-Muka.-136/2019 dated 28.02.2024. The Executive Engineer, Building Division, Muzaffarpur, for the reason best known to him, is sitting tight over the representation of the petitioner.

4. Learned counsel appearing on behalf of the State informs that the matter can well be considered by the Additional Chief Secretary, Building Construction Department, in light of the law laid down by the Apex Court in case of ***Amresh Kumar Singh (Supra)*** and in light of Clause 4 C (1) of the Bihar State Litigation Policy, 2011 for considering to grant relief as prayed



for in the present writ petition to the petitioner.

5. Considering the rival submissions made on behalf of the parties, as well as, the admitted fact that the case of the petitioner is covered by the judgment passed by the Apex Court in case of *Amresh Kumar Singh (Supra)*, the petitioner is directed to file fresh detailed representation before the Additional Chief Secretary, Building Construction Department.

6. The Additional Chief Secretary, Building Construction Department, is directed to call for the service particulars of the petitioner and take a conscious decision in respect of the relief as prayed for in the present writ petition so that the petitioner must not be discriminated for having not his case being considered for a long period of time in spite of the specific legislation of the State Government in respect of the Bihar Litigation Policy, 2011 for disposal of such matters, which require no further litigation.

7. The Additional Chief Secretary, Building Construction Department, in case, finds that any document is required from the petitioner, the petitioner should be given due opportunity to provide the same and, in case, he finds that the case of the petitioner is not similar to the other employees, in whose cases, the Hon'ble Supreme Court has laid down the law



in case of *Amresh Kumar Singh (Supra)*, then, after providing due opportunity of hearing to the petitioner, a conscious decision is required to be taken by him in accordance with law giving reason, as to why, the case of the petitioner is not covered by the *Amresh Kumar Singh (Supra)* and don't required to be considered in light of Bihar Litigation Policy, 2011.

8. With above observations/directions, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	14.11.2024
Transmission Date	N/A

