

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16394 of 2023

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1. Pooja Mishra Wife of Late Chandrabhushan Mishra, D/o Deobrat Tiwari, Resident of Muhalla- Ayodhyapuri, Shrinagar, P.S. Siwan Muffail, District- Siwan presently posted as LDC in K.B. Sahay High School, Sherulullahpur, Sheikhpura, District- Patna 1.
 2. Kumar Vijeta, Son of Late Ramakant Singh Yadav, Resident of village- Bardaha, P.S.- Goriyakothi, District- Siwan presently working as LDC in Tapi Prasad High School-cum-Inter College, Bhithi, Goriyakothi, District- Siwan.
 3. Gaurav Kumar, Son of Anil Kumar Upadhya and Late Neelam Kumari, Resident of village- Mahna, P.S.- Bhagwanpur Hat, District- Siwan presently posted as LDC in Senior Secondary School, Basantpur, District- Siwan.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Director, Secondary Education, Department of Education, Government of Bihar, Patna.
5. The District Magistrate, Patna.
6. The District Education Officer, Patna.
7. The District Magistrate, Siwan.
8. The District Education Officer, Siwan

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Respondent/s : Mrs Binita Singh (SC 28)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2024 Heard learned counsel for the petitioners and the State.

2. Writ petition has been filed for a direction to the respondents to take steps for payment of current and arrears of salary in revised scale of Rs.4000-6000 and its equivalent grade pay in place of current pay scale of Rs.3050-4500 and its equivalent grade pay to the petitioners from the date of joining



in the light of order passed by this Court in C.W.J.C.No. 17158 of 2018 dated 3.10.2018 and LPA No. 167 of 2016 dated 23.6.2017 and also consequential benefits.

3. Learned counsel for the petitioners submit that the order passed in LPA No. 167/2016 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. Learned counsel 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 other 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 submitted 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 L.P.As are L.P.A. 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 Larger Bench where the civil review filed by the State along with the two LPAs are pending 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. 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 the 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 present writ petition 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.

7. Accordingly, this writ petition is disposed of in terms of the order passed in LPA No. 167 of 2016. This, however, shall be subject to the final outcome of the result of Civil Review No. 236 / 2019 pending before Larger Bench.

8. 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 him, if the issue pending before Larger Bench / and / or Civil Review No. 236 / 2019 goes in favour of the State Government.

(Prabhat Kumar Singh, J)

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