

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17119 of 2023

1. Parmeshwar Sah, Son of Late Awadh Narayan Sah, Resident of Vill. and P.S.- Nirmali, Dist.- Supaul.
2. Shambhu Kumar Suman, Son of Late Lakhan Chaupal, Resident of Vill.- Kadwara, P.O. Laxmipur, P.S.- Jamalpur, Dist.- Darbhanga.
3. Pankaj Kumar Jha, Son of Shivanand Jha, Resident of Mohalla- Mirzapur, P.S. Nagar, Dist.- Darbhanga.
4. Rakesh Kumar Singh, Son of Late Bhujendra Prasad Singh, Resident of Vill.- Jogyara, P.S.- Bahadurpur, Dist.- Darbhanga.
5. Kumar Pramendra Singh, Son of Krishnachandra Prasad Singh, Resident of Vill. and Post. Jogyara, P.S.-Jale, Dist- Darbhanga.
6. Kamlesh Prasad, Son of Late Baidyanath Sah, Resident of Vill. and P.S.- Pandaul, Dist. Madhubani.
7. Subodh Kumar Sah, Son of Late Shankar Sah, Resident of Vill- Madhopur, P.S.- Simri, Dist.- Darbhanga.
8. Rajesh Kumar Thakur, Son of Suresh Kumar Thakur, Resident of Vill.- Dharmapur, P.S. Sakatpur, Dist.- Darbhanga.
9. Rajkumar Prasad, Son of Late Bangali Sah, Resident of Moh-Chhoti Ekmi Rajendr Nagar Gali No-03, P.S-Bahadurpur, Dist- Darbhanga.
10. Santosh Kumar Ram, Son of Late Yugeshwar Ram, Resident of Vill- Rahamganj, P.S Laherisarai, Dist- Darbhanga.
11. Santosh Kumar Mandal, Son of Late Sita Ram Mandal, Resident of Vill- kharajpur, P.S Bahadurpur, Dist- Darbhanga.
12. Praveen Kumar Karn, Son of Late Yogendra Kumar Das, Resident of vill- Darma, P.S Keoti, Dist- Darbhanga.
13. Ashok Kumar Paswan, Son of Late Ganga Prasad Paswan, Resident of Vill- Dhamwara, P.S-Bahera, Dist- Darbhanga.
14. Ambrish Anand, Son of Late Yoganand Jha, Resident of Vill.- Tumaul, P.S.- Bahera, Dist- Darbhanga.
15. Raja Kumar Paswan, Son of Late Ram Bharosh Paswan, Resident of Vill- Piproliya, P.S Ashok Paper Mill, Dist- Darbhanga.
16. Uttam Raj, Son of Late Sudhir Kumar Gupta, Resident of Moh.- Rahamganj, P.O.- Lalbagh, P.S.-Laheriasarai, Dist.- Darbhanga.
17. Chandra Kishor Raut, Son of Late Shashi Dev Raut, Resident of Vill.- Darhar, P.S. Bahadurpur, Dist.- Darbhanga.
18. Ram Naresh Paswan, Son of Late Ram Lekha Paswan, Resident of Vill- Ragepura, P.S. Laheriasarai, Dist.- Darbhanga.
19. Siddharth Mohan, Son of Late Krishna Mohan Kumar, Resident of Mohalla- Mishratola, P.S.- Nagar, District- Darbhanga.

... .. Petitioner/s

Versus



1. The State of Bihar through the Additional Chief Secretary, General Administrative Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, General Administrative Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The District Magistrate, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Singh, Advocate
For the State : Mr. Md. N.H. Khan, (SC 1)
Mr. Md. Irshad, AC to SC 1

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-12-2024 Heard Mr. Sudhir Kumar Singh, learned counsel appearing on behalf of the petitioners and Md. N.H. Khan, learned SC 1, along with Mr. Md. Irshad, learned AC to SC 1, appearing on behalf of the State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought, *inter alia*, the following relief(s), which is reproduced hereinafter:-

“(i) For issuance of writ in the nature of *mandamus* commanding the respondents to make payment of salary to the petitioners in the pay scale of 4000-6000 from the date of their promotion on the post of Lower Division Clerk which is being paid to the other Lower Division Clerks appointed on compassionate ground in the light of order dated 19.09.2023 passed in LPA No. 766 of 2019 and analogous case, order dated 28.02.2019 passed in CWJC No.11466/2016 and order dated 27.02.2019 passed in CWJC No.9633 of 2016 and analogous cases.

(ii) For a further direction to the respondents to make payment of arrears of salary to the petitioners in the said pay scale of Rs.4,000-6000 and its corresponding higher pay scale and grade pay which has been allowed to the petitioners of CWJC No.9633 of 2016 and analogous cases.



(iii) For any other relief/ reliefs if petitioner found entitle in the facts and circumstances of the present case.”

3. Learned counsel appearing on behalf of the respondents informs this Court that the issue involving in the present writ petition is the subject matter of Civil Appeal No.3965 of 2017, which is pending before the Apex Court.

4. In view of the above, the petitioners find that it will not serve in any manner, if the present writ petition is kept pending, awaiting the final result of the Civil Appeal No.3965 of 2017 and the petitioners seek to file a detailed representation before the District Magistrate, Darbhanga for considering their case in light of the guidelines of the General Administration Department, Bihar, Patna, as well as, the Finance Department, Bihar, Patna, as contained in Memo No.1620 dated 23.01.2023 and Memo No.10465 dated 10.11.2022, respectively, as in three Districts i.e. Khagaria, Munger and Chapra, the respondents have acted in accordance with the aforesaid guidelines.

5. Considering the rival submissions made on behalf of the parties, as well as, the fact that the parties have not been able to give the exact status of the Civil Appeal No.3965 of 2017, however, the petitioners have been able to give information that in three Districts i.e. Khagaria, Munger and Chapra respondents have acted in accordance with the aforesaid



guidelines, the present writ petition stands disposed of with the liberty to the petitioners to file a detailed representation for redressal of their grievance before the District Magistrate, Darbhanga.

6. However, it is made clear that any decision of the District Magistrate, Darbhanga will subject to the final outcome of the Civil Appeal No.3965 of 2017 which, according to the parties, is still pending before the Apex Court.

(Purnendu Singh, J.)

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