

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17438 of 2024

1. Abhay Kant Prasad S/o Late Dukhi Das, R/o village and P.O.- Paigamberpur, Kolhua, P.S.- Ahiyapur, District - Muzaffarpur.
2. Ram Kailash Prasad, S/o-Lata Chulahi Prasad, R/o Mohalla Indra Colony, ward no.- 32,739/D, Prabha Niketan, Kachchi Pakki Atardah, P.O.- Ramana, P.S.-Sadar Thana, District-Muzaffarpur.
3. Shambhu Prasad Singh, S/o Late Ram Chandra Singh, R/o Mohalla - Gami Tola, Dault Ram Chowk, P.O and P.S. and District- Katihar.
4. Ravi Shankar Prabhat, S/o Late Sakal Dev Das, R/o Mohalla- Khurmabad, ward no- 24, P.O. and P.S. and District- Siwan.
5. Ravi Shankar Kumar, S/o Late Triveni Singh, R/o village- Belaur P.O.- Chandi Mow, P.S.- Rajgir, District- Nalanda, Bihar.
6. Pradeep Kumar, S/o- Late Badri Prasad Singh, P.W.D. Colony, quarter no-6 Naya Bazar, P.O and P.S. and District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through its Finance Secretary, Finance Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Building Construction Department, Nirman Bhawan,, Beli Road, Patna.
4. The Principal Secretary, Road Construction department, Nirman Bhawan, Beli Road, Patna.
5. The Chief Engineer, Flood Control and Water Discharge, Water Resources Department, Muzaffarpur.
6. The Chief Engineer, Flood Control and Water Discharge, Water Resources Department, Purnia.
7. The Chief Engineer, Irrigation Creation, Water Resource Development, Saharsa.
8. The Chief Engineer, Building Construction Department (North Bihar), Patna.
9. The Chief Engineer, (South), Road Construction Department, Patna.
10. The Chief Engineer, (North), Road Construction Department, Patna.
11. The Superintending Engineer, Flood Control and Drainage Circle, Muzaffarpur.
12. The Superintending Engineer, Flood Control Circle, Katihar.
13. The Superintending Engineer, Irrigation circle, Purnia.
14. The Superintending Engineer, Building Construction Department, Building circle, Chapra.
15. The Superintending Engineer, Central Road circle, Road Construction



Department, Bihar, Patna.

16. The Superintending Engineer, Road Construction Department, Road circle, Saharsa.
17. The Executive Engineer, Flood Control Division, Muzaffarpur.
18. The Executive Engineer, Flood Control division, Kadhagola, Katihar.
19. The Executive Engineer, Irrigation Division, Katihar.
20. The Executive Engineer, Building Division, Siwan.
21. The Executive Engineer, Road Division, Biharsariff.
22. The Executive Engineer, Road Division, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Lalan Kumar Singh, Advocate.
For the State : Mr. Majid Mahboob Khan, AC to AAG-12.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-11-2024

Heard Mr. Lalan Kumar Singh, learned counsel
appearing on behalf of the petitioners and Mr. Majid Mahboob
Khan, learned AC to AAG-12 for the State.

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

“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/MACP 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 25.4.2023 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. Petitioners are aggrieved by non consideration of
their several representations, as well as, their final detailed



representation dated 24.09.2024 (Annexure P/4) 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 Superintending Engineer, Road Construction Department, Road Circle, Saharsa, for the reason best known to him, is sitting tight over the representation of the petitioners.

4. It has further been informed by the learned counsel appearing on behalf of the petitioners that the curative petitions being **Curative Petition No. 000137/2024 (State of Bihar Vs. Nand Kishore Singh)** and **Curative Petition No.000138/2024 (State of Bihar Vs. Amresh Kumar Sinha)** have been rejected vide order dated 29.08.2024 by the Hon'ble Supreme Court and there is no reason why Finance Department is creating hurdle in respect of the petitioners for granting relief as prayed for in the present writ petition.

5. Learned counsel appearing on behalf of the State informs that the matter can well be considered by the Chief Engineer, Flood Control and Water Discharge, Water Resources



Department, Muzaffarpur – respondent no.5, 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.

6. Considering the rival submissions made on behalf of the parties, as well as, the admitted fact that the case of the petitioners is covered by the judgment passed by the Apex Court in case of ***Amresh Kumar Singh (Supra)***, the petitioners are directed to file fresh detailed representation before the competent authority.

7. In above view of the fact, I direct the Additional Chief Secretary, Finance Department to inform all the departments of the State Government in respect of the applicability of the law laid down by the Apex Court in the case of ***Amresh Kumar Singh (supra)***, so that the respective Head of the Department, in the present case i.e. respondent no.5 can take a decision and communicate to the controlling officer of the petitioners to take a conscious decision in respect of the relief as prayed for in the present writ petition, so that the petitioners can not be discriminated for having their case not been considered for a long time in spite of specific legislation of the State



Government for disposal of such cases in which law has been laid down by the Apex Court in light of the Bihar Litigation Policy, 2011.

8. The competent authority (concerned respondent), in case, finds that any document is required from the petitioners, the petitioners should be given due opportunity to provide the same and, in case, he finds that the case of the petitioners 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 petitioners, a conscious decision is required to be taken by him in accordance with law giving reasons, as to why, the case of the petitioners is not covered by the *Amresh Kumar Singh (Supra)* and don't require to be considered in light of Bihar Litigation Policy, 2011.

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

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.11.2024
Transmission Date	N.A.

