

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17829 of 2024

1. Mukul Krishna Prasad S/o Late Mahendra Prasad Shastri, R/o Mohalla-New Area M.G. Road, Aurangbad, P.O. and P.S. and District-Aurangabad.
2. Binay Kumar, S/o Rajeshwar Prasad, R/o Mohalla-Mitramandal Colony, Saket Vihar, P.O.-Anishabad, District-Patna.
3. Dharendra Kumar Sinha, S/o Late Ram Kishore Prasad, R/o Mohalla-Adityapur, Flat No. -M. 321, Block-B-3, Phase-1 Ashiana Aditya, P.O. and P.S.-Adityapur, District-Seraikela-Kharsawan.
4. Shailesh Kumar, S/o Late Rajendra Prasad, R/o Mohalla-Saguna, P.O. and P.S.-Danapur, District-Patna.
5. Rishikesh Kumar, s/o Late Baleshwar Pandey, R/o Village and P.O.-Manipur, P.S.-Nokha, District-Rohtas.
6. Suresh Kumar Mandal, S/o Late Devi Lal Mandal, R/o Mohalla-Ward No-10, Mandal Tola, P.O.-Rampur, Kudarkatti, P.S. and District-Araria.
7. Sujeet Kumar, S/o Niteshwar Prasad Singh, R/o Mohalla-Gandhi Nagar, Kolhua, Paigambarpur, P.O.-Kolhua, P.S. and District-Muzaffarpur.
8. Pranav Kant Babban, S/o Late Nand Kishor Prasad, R/o Flat No. 402 A, R.N. Villa Apartment, Mahatmagandhi Nagar, Kanti Factory Road, P.O.-Bahadurpur Housing Colony, P.S.-Agamkuan, District-Patna.

... .. 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, Minor Water Resources Department, Vikas Bhawan, New Secretariat Building, Beli Road, Patna.
4. The Principal Secretary, Road Construction Department, Nirman Bhawan, Beli Road, Patna.
5. The Chief Engineer, Minor Water Resources Department, Vikas Bhawan, New Secretariat Building, Beli Road, Patna.
6. The Chief Engineer, Flood Control and Drainage, Water Resources Department, Anishabad, Patna.
7. The Chief Engineer, Central Design Research and Quality Control, Water Resources Department, Anishabad, Patna.
8. The Chief Engineer, Road Construction Department, Nirman Bhawan, Beli Road, Patna.
9. The Superintending Engineer, Minor Irrigation Circle, Patna.
10. The Superintending Engineer, Planning and Monitoring Circle, Anishabad, Patna.
11. The Superintending Engineer, Flood Control and Design Circle, Anishabad, Patna.



12. The Superintending Engineer, Dam and Gate Design Circle, Water Resources Department, Anishabad, Patna.
13. The Superintending Engineer, Canal Circle, Purnia.
14. The Superintending Engineer, Flood Control and Design Circle, Muzaffarpur.
15. The Superintending Engineer (Mechanical), Mechanical Circle, Road Construction Department, Patna.
16. The Executive Engineer, Minor Irrigation Division, Aurangabad.
17. The Executive Engineer, Planning and Monitoring Division, Anishabad, Patna.
18. The Executive Engineer, Flood Control and Design Division-I Anishabad, Patna.
19. The Executive Engineer, Dam and Gate Design Division-01, Patna.
20. The Executive Engineer, Irrigation Division, Narpatganj, Araria.
21. The Executive Engineer, Water Drainage Division, Muzaffarpur.
22. The Executive Engineer (Mechanical) Mechanical Division, Road Construction Department, Patna.

... .. 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. Standing Counsel 25

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-11-2024 Heard Mr. Mr. Lalan Kumar Singh along with Mr. Amit Anand, learned counsels appearing on behalf of the petitioner and learned SC 25 for the State.

2. Petitioners have *inter alia* prayed for following reliefs in the paragraphs No.1 of the writ petition:-

“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 Ist ACP



and Rs.10000-15200 [Pay Band-3 + 6600] in 2nd ACP 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 the 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 authority concerned for the reason best known to him/her, 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, Water Resources Department, Government of Bihar, 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 petitioners.

5. 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 Additional Chief Secretary, Water Resources Department, Government of Bihar.

6. The Additional Chief Secretary, Water Resources Department, Government of Bihar is directed to call for the service particulars of the petitioners and take a conscious decision in consultation with the General Administration Department/Finance Department in respect of the relief as prayed for in the present writ petition so that the petitioners must not be discriminated for having not their 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, Water Resources Department, Government of Bihar, 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 reason, as to why, the case of the petitioners 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)

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