

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2943 of 2025**

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Deepak Remy S/o Remy Celestine, R/o- Christian Quarters, Bettiah, P.O. and  
P.S.- Bettiah, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Secondary Education, Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Regional Deputy Director, Muzaffarpur Division, District - Muzaffarpur.
4. The District Education Officer, West Champaran at Bettiah.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Raj Kumar, Advocate<br>Mr. Rohit Kumar, Advocate<br>Mr. Rajnish Kumar, Advocate |
| For the Respondent/s | : | Mr. Kumar Pankaj, AC to SC 5                                                       |

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      25-02-2025                      Heard Mr. Raj Kumar along with Mr. Rohit Kumar  
  
and Mr. Rajnish Kumar, learned counsels appearing on behalf  
  
of the petitioner and Mr. Kumar Pankaj, learned AC to SC 5 for  
  
the State.

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

“I. For issuance of writ in the nature of  
writ of mandamus or any other appropriate order or  
direction directing the respondents to grant the pay  
scale of Rs.4000-6000 to the petitioners with effect  
from their respective date of appointment.

II. For issuance of writ in the nature of  
writ of mandamus or any other writ order or direction



directing the Respondents the pay the arrears of salary which became due on account of delay in granting the pay scale of Rs.4000-6000.

III. For any other relief/reliefs for which the petitioners are entitled in the eye of law.”

3. Learned counsel appearing on behalf of the petitioner submitted that petitioner is entitled for pay scale of Rs.4000-6000/- as the similar relief has been allowed by a Division Bench of this Court in LPA No.167 of 2016 *vide* order dated 23.06.2017. He further informs that the order passed by the Division Bench has not been complied with by the State authorities because Civil Review No.236 of 2019 has been preferred by State against the LPA order, as would appear from letter No.1620 dated 23.01.2023 and letter No.3628 dated 21.04.2023 issued by the General Administration Department, Government of Bihar, as well as, the Finance Department, Government of Bihar. Learned counsel further submitted that a co-ordinate Bench of this Court *vide* order dated 28.11.2023 passed in CWJC No.24678 of 2019 and other analogous cases has taken note of the exercise made by the District Magistrate, Kaimur at Bhabhua, who *vide* order dated 08.11.2023 has complied with the direction contained in LPA No.167 of 2016 by granting pay scale of Rs.4000-6000/- to similarly situated persons. Petitioner being similarly situated person is also



entitled for similar relief subject to the final outcome of Civil Review No.236 of 2019 in light of Section 4(c)(1) of the Bihar Litigation Policy, 2011.

4. *Per contra*, learned counsel appearing on behalf of the State, referring to order dated 22.12.2022 passed in LPA No.669 of 2021 contended that the petitioner is not required to be granted any relief, as prayed for in the present writ petition, nor his case is identical to that of the appellants of LPA No.167 of 2016. Learned counsel further submitted that *vide* order dated 22.12.2022 passed in LPA No.669 of 2021, the Division Bench has taken note of the order dated 01.10.2021 passed in CWJC No.23831 of 2018 and in para 19 and 20 of the order dated 01.10.2021, certain observation has been made in respect of the relief as prayed for in the present writ petition, relating to grant of higher pay scale of Rs.4000-6000/- on the basis of doctrine of parity, to which the petitioner is not entitled for, unless the Civil review is finally disposed of.

5. Heard the parties.

6. Before I proceed to pass any order, I find it proper to take up the objection raised by the State counsel. In LPA No.669 of 2021, the issue related to applicable pay scale of those employees, who have been appointed on compassionate



ground. The petitioner has claimed that he is a direct recruit and is Class III employee, posted as Lower Division Clerk and is entitled for pay scale of Rs.4000-6000/- in light of the order passed in LPA No.167 of 2016. The Apex Court dealing with the pay scale applicable to the employees, who were appointed on compassionate ground in the case of **Secretary to Govt. Department of Education (Primary) & Ors. Vs. Bheemesh alias Bheemappa (Civil Appeal No.7758 of 2021)** arising out of **Special Leave Petition (C) No.1564 of 2021** has held that the date of death is permanent and concluded to hold that pay scale applicable to the deceased employee who died in harness and his legal representatives, who were given appointment on compassionate ground the pay scale which was applicable on the date of death of the deceased employee will be applicable in the cases of such employee. I find that the preliminary issue involved in CWJC No.23831 of 2018 relates to pay scale applicable to the employees, who were appointed on compassionate basis and in that case, the matter has been referred to the larger Bench vide order dated 01.10.2021. I find that in view of settled principle of law by the Apex Court, the objection taken by learned State counsel can only be said to be misconceived.



7. The petitioner has made out a case for identical relief as has been granted *vide* order dated 23.06.2017 passed in LPA No.167 of 2016, which has been followed by a co-ordinate Bench of this Court in CWJC No.24678 of 2019 *vide* order dated 28.11.2023. The grievance of the petitioner is required to be redressed in light of the Bihar Litigation Policy, 2011 by the District Education Officer, West Champaran, Bettiah expeditiously without delay. In case of any delay, the petitioner is at liberty to take action against the District Education Officer concerned.

8. It is made clear that the decision taken by the District Education Officer would be subject to the final outcome of the Civil Review No 236 of 2019.

9. The writ petition is, accordingly, disposed of.

**(Purnendu Singh, J)**

Sanjay/-

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