

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5939 of 2016

1. Anurag Prasad and Ors S/o Sri Nand Kishore Prasad, resident of New Bengali Tola, Devi Asthan, Mithapur Bus Stand Road, P.S.- Jakkanpur, Town and District- Patna.
2. Vijay Kumar Gupta S/o Yogendra Prasad Gupta resident of Cantt. Road, Mustaffapur, P.O.- Khagaul, P.S.- Khagaul, District- Patna.
3. Keshav Narayan S/o Dr. Krishna Chandra Mishra resident of Mahavir Asthan, Purani Bazar, P.S.- Sitamarhi, District- Sitamarhi.
4. Sanjay Kumar, S/o Late Shiv Nandan Prasad Yadav resident of Village- Moharna, P.O.- Dharhara, P.S. , District- Munger.
5. Umesh Kumar S/o Sri Shyam Kishore Mahto resident of Village- Purana Isua, P.O.Isua, P.S.- Sarmera, Via- Mehujh, District- Nalanda.
6. Shadab Alam, S/o Late Mahboob Alam resident of C/o Nazmul Hassan Nazmi, Najam High School, Minhaz Nagar, Opposite Mosque, P.O.- Phulwarishariff, P.S.- Phulwarishariff, District- Patna.
7. Satyendra Kumar, S/o Sri Prabhat Kumar resident of Campus of Government High School, P.S.- Gulzarbagh, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Principal Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna.
3. The Secretary (Expenditure), Finance Department, Government of Bihar, Old Secretariat, Patna.
4. The Additional Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna.
5. The Joint Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna.
6. The Deputy Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna.
7. The Assistant Controller Budget, Finance Department, Government of Bihar, Old Secretariat, Patna.
8. The Collector-cum-District Magistrate, Patna.
9. The Treasury Officer, Patna Collectorate Treasury, Patna.
10. The Treasury Officer, Secretariat Treasury, Sinchai Bhawan, Bailey Road, Patna
11. The Treasury Officer, Secretariat Treasury, Vikas Bhawan, Bailey Road, Patna

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Adv.
Mrs. Shally Kumari, Adv.
For the Respondent/s : Mr. Arbind Kumar No. II, SC-17

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 18-03-2025

Heard Learned Counsel for the petitioners and
Learned Counsel for the State.

2. The present writ petition has been filed for the
following reliefs:-

i) For issuance of a writ of Certiorari or any other appropriate writ, order or direction quashing the order contained in Memo No.3977 dated 06.05.2014 issued under the signature of the Principal Secretary, Finance Department, Government of Bihar, Patna, and passed in pursuance to order dated 17.01.2014 passed in C.W.J.C. No.20079 of 2012, whereby and where under the claim of the petitioners for allowing them Pay Scale of Rs.5000/- to 8000/- and PB-2 with Grade Pay of Rs.4200/- with effect from their date of joining has been denied on non-est grounds;

ii) For issuance of an appropriate Writ, order or direction holding and declaring that the petitioners are entitled to the pay scale of Rs.5000- 8000/-



and PB-2 with Grade Pay of Rs.4200/- with effect from their respective date of joining keeping in view that similarly situated Class-III employees of Treasury Cadre like these petitioners, who are inferior in qualification than these petitioners, are getting the Pay Scale of Rs.5000/- to 8000/- w.e.f. 01.01.1996;

(iii) For issuance of a writ of mandamus or any other appropriate writ, order or direction commanding the Respondent Authorities to provide the petitioners Pay Scale of Rs.5000/- to 8000/- with effect from their respective date of joining, with all consequential benefits, such as arrears of salary etc. particularly in view of the fact that similarly situated Class III employees of Treasury Cadre like these petitioners are getting the Pay Scale of Rs.5000/- to Rs.8000/- w.e.f. 01.01.1996 and also taking into account the fact that the petitioners are better qualified and discharging same and similar duties and responsibilities as being discharged by the other Class- III employees of Treasury Cadre.

(iv) For any other relief/relief (s) for which the petitioners are entitled to in accordance with law and in the facts and in the circumstances of this case.



3. Learned Counsel for the petitioners submits that the petitioners hold the post of Data Entry Operator (Grade- A), a class-III post under the Finance Department, and are posted in various Treasuries. Counsel further submits that the basis of their claim is a letter from the Finance Department itself, Letter No. 7063 dated 28.09.2000, contained in Memo No. 7063, dated 29.09.2000, (Annexure- 26), by which the Finance Department, Government of Bihar, categorically indicated that for all the Treasuries of the State Government, the sanctioned post is 1245, and 169 for Sub-Treasuries.

4. Counsel also submits that the petitioners had earlier moved before this Hon'ble Court in CWJC No. 20079 of 2012, in which, *vide* order dated 17.01.2014, this Hon'ble Court directed that a proper decision be made within three months from the date of filing the application, and the petitioners were directed to file a representation. Counsel further submits that the impugned order, i.e., order contained in Memo No. 3977, dated 06.05.2014 which is annexed as Annexure – 1 of the writ petition, contains heading at page No. 34 as "आवेदन का सारांश एवं मांग का आधार". The said basic letter, which is annexed as Annexure- 26, contained in Memo No. 7063, dated 29.09.2000, has not been considered at all and without considering the letter



of the Finance Department itself, the ground corresponding to 1979 has been taken into consideration. Counsel further submits that the petitioners were appointed on the post which was itself created in the year 2000, and for them, any point or basis from 1979 cannot be taken into consideration. Counsel further submits that in CWJC No. 20079 of 2012, this Hon'ble Court considered the factual matrix of their case, but the respondents have not considered it in the true spirit.

5. Learned Counsel for the State, on the other hand, submits that the petitioners' post are quite different and separate from the posts of Treasury Clerks. The petitioners were appointed as Data Entry Operators with a pay scale of Rs. 4000-6000/-, and therefore, the pay scale applicable to Treasury Clerks shall not apply to the Data Entry Operators. However, upon the specific query of the Court as to whether the letter of 2000, contained in Memo No. 7063 dated 29.09.2000 (Annexure- 26), was considered in the impugned order, Counsel submits that, upon perusal, it transpires that the said letter has not been considered at all.

6. In light of the submissions made above, this Court is of the firm view that the basic letter, i.e., Letter No. 7063 dated 28.09.2000, contained in Memo No. 7063, dated



29.09.2000, by which the post of Data Entry Operator was created, the genesis of the same has been discussed and has not been considered at the time of deciding the representation.

7. Hence, the order contained in Memo No. 3977 dated 06.05.2014 issued under the signature of the Principal Secretary, Finance Department, Government of Bihar, Patna is hereby quashed.

8. It is directed to the petitioners to file a fresh representation, indicating their claim point-wise, and the specific letters and judgments on which they are relying shall be annexed in their representation within 30 days from today, along with the order passed by this Court. The respondent, Additional Chief Secretary / Principal Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna, shall pass order afresh on the representation of the petitioners within 90 days thereafter, considering all the letters and the judgments annexed in the representation by the petitioners.

(Dr. Anshuman, J.)

Aman Kumar/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	21.03.2025
Transmission Date	NA

