

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5665 of 2025

1. Abhay Rai Son of Late Arthman Rai, Presently Working as Hwaldar-326, Bihar Special Armed Police (BMP)-1, Veterinary College, Patna, P.S.- Hawaii, Adda, District- Patna.
2. Krishna Bahadur Pariyar Son of Late Gaje Bahadur Priyar, Presently Working as Havildar No.377, Bihar Special Armed Police (BMP)-1, Patna and R/o Gorkha Police Colony, P.S.- Rupaspur, District- Patna.
3. Chandra Bhushan Sharma Son of Jai Nandan Singh, Presently Working as Havildar No. 1184, Bihar Special Armed Police (BMP)-1, Veterinary College, Patna, P.S.- Hawaii, Adda, District- Patna.
4. Jai Ram Prasad Singh Son of Late Dhup Lal Singh, Presently Working as Havildar No. 1181, Bihar Special Armed Police (BMP)-1, Veterinary College, P.S.- Hawaii Adda, District- Patna.
5. Dinesh Prasad Singh Son of Maheshwar Prasad Singh, Presently Working as Havildar No. 485, Bihar Special Armed Police (BMP)-1, Veterinary College, P.S. Hawaii Adda, District- Patna.
6. Mritunjay Kumar Singh Son of Raghubansh Singh @ Kishore Prasad Singh, Presently Working as Havildar No. 497, Bihar Special Armed Police (BMP)-1, P.S.- Hawaii Adda, District- Patna.
7. Anil Lama Son of P.B. Tamang, Retired from Bihar Special Armed Police (BMP)-1, P.S.- Hawaii Adda, District- Patna, Presently residing at East Main Road, Near M.R. Shop-95, Kalimpong-1, P.S.- Kalimpong, District- Darjeeling (West Bengal).
8. Lal Saheb Prasad Son of Late Kishori Rai, Presently Working as Assistant Sub Inspector, Bihar Special Armed Police (BMP)-1, P.S.- Hawaii Adda, District- Patna.
9. Anil Toppo Son of Chatri Toppo, Presently Working as Havildar, Bihar Special Armed Police (BMP)-1, P.S.- Hawaii Adda, District- Patna.
10. Peter Paul Lakra Son of Simon Lakra, Presently Working Havildar No. 17, Bihar Special Armed Police (BMP)-1, P.S.- Hawaii Adda, District- Patna.
11. Shambhu Kumar Son of Late Tapeswari Yadav, Resident of Village- Atalkha, P.S.- Basnahi, District- Saharsa. Retired from Bihar Special Armed Police-14, P.S.- Phulwari Sarif, District- Patna.
12. Keshlal Ram Son of Ram Briksh Ram, Resident of Village- Ameth, P.S.- Mohania, District- Kaimur (Bhabua) and retired from Bihar Special Armed Police (BMP)-14, P.S.- Phulwari Sarif, District- Patna.
13. Shambhu Nath Thakur Son of Late Ram Chandra Thakur, Resident of Village- Goura, Police Station- Bihia, District- Bhojpur and retired from Bihar Special Armed Police (BMP)-1, P.S.- Phulwari Sarif, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Govt. of Bihar, Patna.



2. The Principal Secretary, Department of Home (Police), Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Home Secretary, Government of Bihar, Patna.
5. The Director General of Police, Bihar, Patna.
6. The Additional Director General of Police (Headquarter), Bihar, Patna.
7. The Deputy Inspector General of Police (Personal), Bihar, Patna.
8. The Additional Director General of Police (Military Police), Bihar Special Armed Police, Bihar, Patna.
9. The Commandant, Bihar Special Armed Police (BMP)-1, Veterinary College, Patna.
10. The Commandant, Bihar Special Armed Police (BMP)-14, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Suman Kumar Jha, Advocate
For the Respondent/s : Mr. Standing Counsel (09)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-04-2025 Heard Learned Counsel for the petitioners and
Learned Counsel for the State.

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

“I. For issuance of appropriate writ in the nature of Mandamus commanding the respondents to re-fix the pay scale of the petitioners in the scale of 4000-6000 as a 1st ACP in the scale of ASI/Hawaldar and to grant the benefit of MACP which is being paid to the petitioners in the scale by 4000-6000 in place of pay scale of 3200-4900.

II. To declare and hold that the



petitioners falls under the literate cadre and accordingly, they are entitled to get 1st ACP/MACP in the scale 4000-6000 against the post of ASI/Hawaldar and the 2nd ACP/MACP in the scale of 5500-9000 against the post of S.I.

III. To grant the same benefits as the applicant of LPA No.458 of 2021 because all these petitioners have also been similarly appointed between the years 1982 to 1992 except the petitioner No.10, who was appointed in the year 1996.

IV. And to grant any other relief/relief(s) for which the petitioners are found entitled in the facts and circumstances of the case.”

3. Learned Counsel for the petitioners submits that the issue directly and substantially involved in the present case has already been decided by the Hon'ble Division Bench of this Court in L.P.A. No.458 of 2021. Counsel for the petitioners submits that the petitioners' case is squarely covered from L.P.A. No.458 of 2021. He submits that he has filed representation before the Commandant, but till date no decision has been taken. Some of the representations are Annexures-P/4 series.

4. Learned Counsel for the State submits that the writ



petition may be disposed off directing the respondents to decide the representations in accordance with law.

5. In the light of the submissions made, it transpires to this Court that the State Government has passed a law, namely, the Bihar State Litigation Policy, 2011, whose Section 4C states as follows:

“4.C. A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/applicant employee/citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.”

6. In this view of the matter, the State is bound to decide the case which is similarly situated in same fashion. Hence, the writ petition is disposed off directing the petitioners to file a collective representation before respondent No.6, the Additional Director General of Police (Headquarter), Bihar, Patna, within 30 days from today, raising all points annexing the order passed by Hon'ble Division Bench in L.P.A. No.458 of



2021 as well as other orders passed by different coordinate Benches and respondent No.6, the Additional Director General of Police (Headquarter), Bihar, Patna, is hereby directed to pass a reasoned and speaking order on the representation of the petitioners within 90 days thereafter. If the petitioners are found entitled, all benefits be given to them.

(Dr. Anshuman, J)

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