

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6442 of 2025

1. Harinandan Prasad S/O Late Yogendra Prasad Chaudhary, R/O- Vill- Parsa Bazar, Po- Parsa, P.S-Parsa Bazar, Dist.- Patna, presently working as Lower Division Clerk in Revenue Section (A.D.M) Office, Gaya.
2. Anil Kumar S/O Late Ganesh Ram R/O- Vill- Rupanchak Sesari, PO- Sahopur Barma, P.S- Guraru, Dist. Gaya, presently working as Lower Division Clerk in Revenue Section (A.D.M) Office, Gaya.
3. Inglesh Kumar S/O Late Kuldeep Narayan Vidarthi R/O- Vill- Shabdo, P.O and P.S.-Fathepur, Dist. Gaya, presently working as Lower Division Clerk in District Supply Office, Gaya.
4. Jai Prakash Pandit S/O Late Arjun Pandit R/O- Vill and P.O- Poawan, P.S- Masaurhi, Dist- Gaya, presently working as Upper Division Clerk in District General Section, Gaya.
5. Kumari Ritu W/O Late Akhourri Manman Prasad, R/O- Vill- Nadraganj, Koiri Bari, P.O- Head Post Office Gaya, P.S- Civil Lines, Dist- Gaya, Presently working as Lower Division Clerk in Revenue Section (A.D.M) Office, Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through The Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna
3. The District Magistrate, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gyan Shankar, Advocate
For the State	:	Mr. S.K. Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-04-2025

Heard the parties.

2. At the outset, learned Advocate for the petitioners seeks permission to make necessary correction in para-1 of the writ petition in course of the day.



3. Permission is accorded.

4. The petitioners by filing the instant writ petition seeks a direction upon the concerned respondents to extend them pay-scale of Rs. 4000-6000/- (Grade Pay Rs.2400) instead of 3050-4590/- (Grade Pay Rs.1900) with effect from the date of their appointment, who are presently working as Clerk in the office of Collectorate, Gaya in the light of the orders/judgments passed by this Court in L.P.A. No. 167 of 2016, C.W.J.C. No. 4065 of 2020, C.W.J.C. No. 188 of 2021, L.P.A. Nos. 1702 of 2017, 766 of 2019 and C.W.J.C. No. 2028 of 2021.

5. Mr. Gyan Shankar, learned Advocate for the petitioners taking this Court through various orders passed by this Court has contended that the petitioners were duly appointed on compassionate ground on the recommendation of District Compassionate Appointment Committee but they have been accorded the pay-scale of Rs. 3050-4590/- instead of Rs. 4000-6000/-. Contention of the petitioners is in a narrow compass that the identical issue has come up before the learned Division Bench of this Court in L.P.A. No. 167 of 2016 and the learned Division Bench having considered all aspects of the matter, directed the respondents to extend the pay-scale of Rs. 4000-6000/- to the appellants. In an identical situation, similarly



situated Clerks of Vaishali District approached before this Court in C.W.J.C. No. 3904 of 2023, wherein the learned co-ordinate Bench of this Court taking note of the order passed by the learned Division Bench as afore-noted, disposed off the writ petition with a liberty to the writ-petitioner(s) to file representation before the competent authority. In terms of the order of this Court, the identically situated persons filed representations and subsequently they have been allowed the benefit(s) of the admissible pay-scale of Rs.4000-6000/-.

6. Learned Advocate for the petitioners also urged that some other identically situated persons have also approached this Court in C.W.J.C. No. 2028 of 2021, wherein the learned Court after taking note of the fact that on account of difference of opinion between two Division Bench and the matter is referred before the Larger Bench, has been pleased to dispose off with a direction to extend the benefit to the petitioners of the said writ petition, which shall be subject to the final outcome of the Larger Bench and/or Civil Review No.236 of 2019.

7. Learned Advocate for the petitioners further added in his submission that in pursuant to the order of this Court passed in C.W.J.C. No. 2028 of 2021, the identically situated persons have been extended the benefit of pay-scale of Rs.4000-6000/-, subject



to the final outcome of the decision passed by the Larger Bench as also in Civil Review No.236 of 2019.

8. Mr. S.K. Ranjan, learned Advocate for the State submitted that if the contention of the petitioners is based upon the decision of this Court, they may approach before the concerned authorities, who shall examine the claim of the petitioners and pass reasoned and speaking order based upon the position settled by this Court.

9. Considering the submissions advanced on behalf of the learned counsel for the respective parties and taking note of the nature of grievance, this Court deems it fit and proper to dispose off the writ petition with a direction to respondent no.3, the District Magistrate, Gaya to consider the grievance of the petitioners in the light of the order passed by this Court in C.W.J.C. No. 2028 of 2021, preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

10. Suffice it to observe that in case the claim(s) of the petitioners find favour and identical to those of the petitioners of C.W.J.C. No. 2028 of 2021, similar relief(s) be granted in favour of the petitioners herein in the light of the order/judgment passed by the learned Division Bench of this



Court in L.P.A. No. 167 of 2016 as also C.W.J.C. No. 17617 of 2022.

11. The writ petition stands disposed off with the aforesaid direction.

(Harish Kumar, J)

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