

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.355 of 2021

In
Civil Writ Jurisdiction Case No.7965 of 2020

=====

Digvijay Kumar Singh, Son of Late Awdhesh Kumar Singh, Resident of
Village-Parauna, P.S.-Taraiya, District-Saran (Chapara).

... .. Appellant.

Versus

1. The State of Bihar through the Chief Secretary, Main Secretariat, Patna.
2. Additional Chief Secretary, Department of Finance, Government of Bihar,
Main Secretariat, Patna.
3. Principal Secretary, Water Resources Department, Government of Bihar,
Sinchai Bhawan, Patna.
4. Chief Engineer, Sinchai Srijan Water Resources Department, Govt. of Bihar,
Motihari (East Champaran).
5. Superintending Engineer, Tirhut Canal Circle, Water Resources Department,
Muzaffarpur.
6. Executive Engineer, Tirhut Canal Division, Water Resources Department,
Hajipur.
7. District Magistrate, Nawadah.

... .. Respondents.

=====

Appearance :

For the Appellant	:	Mr. Harshvardhan Shivsundaram, Advocate.
For the State	:	Mr. Deepak Sahay Jamuar, AC to AAG-4.

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-05-2025

There is no assistance from the Respondents.

2. Learned counsel for the appellant submitted that
Coordinate Bench in identical matter dismissed L.P.A. No.251
of 2021 vide order dated 19.07.2024 in the case of The State of
Bihar and others Versus Rupak Kumar. In the present case, the



learned Single Judge has dismissed the writ petition (C.W.J.C. No.7965 of 2020) of the appellant vide order dated 06.04.2021. Hence, the present L.P.A.

3. Core issue involved in the present lis is that in both the cases, the names of both the respective parties had been recommended for appointment to the post of Assistant. During the process, the State Government has taken a policy decision to the effect that the post of Assistant was demerged into two different cadres, namely, Lower Division Clerk (LDC) and Upper Division Clerk (UDC) with effect from the issuance of a letter no.8826 dated 20.12.2000 by the Finance Department. Lower Division Clerk (LDC) carries pay-scale of Rs.3050-4500 whereas there is pay-scale of Upper Division Clerk (UDC) as Rs.4000-6000. The aforementioned demerger cadre has been taken note of in C.W.J.C.No.20183 of 2019 by the learned Single Judge and by the Coordinate Bench in L.P.A. No.251 of 2021 that demerger of the post of Assistant into Lower Division Clerk (LDC) and Upper Division Clerk (UDC) has no bearing on the litigant, since name of the petitioner therein was processed for selection and appointment to the post of Assistant and due to change of policy in the middle of the process cannot be taken note of, whatever the process for Assistant is to be



completed.

4. Taking note of these facts and circumstances and the fact that the present L.P.A. is similar to that of C.W.J.C. No.20183 of 2019 read with L.P.A. No.251 of 2021 decided on 19.07.2024 by the Coordinate Bench, accordingly, the appellant has made out a case so as to interfere with the order of the learned Single Judge dated 06.04.2021 passed in C.W.J.C. No.7965 of 2020 and it is set aside.

5. C.W.J.C. No.7965 of 2020 stands allowed. The impugned action of the respondents stands set aside. Consequently, the concerned respondents are hereby directed to extend all service and monetary benefits to the appellant on par with Rupak Kumar-Respondent in L.P.A. No.251 of 2021 decided on 19.07.2024 within a period of four months from the date of receipt of this order.

6. The present L.P.A. No.355 of 2021 stands allowed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2025.
Transmission Date	NA

