

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9040 of 2024

1. Ashok Kumar S/o Bharat Tiwari, Resident of Village Madhepura, Madhopur, P.S.- Mushari, District- Muzaffarpur, presently posted at Clerk in Rajkiya Krit High School, Berai, Katra, Muzaffarpur.
2. Amit Raj, S/o Late Ramchandra Thakur, Resident of Village- Jarang, P.S.- Gaighat, District- Muzaffarpur, presently posted as Clerk, Mukharji Seminary High School, Muzaffarpur.
3. Abhishek Kumar, S/o Chaudhary Pramod Kumar Singh, Resident of Ward No.-6, Mahamadpur, P.S.- Sakra, District- Muzaffarpur, Presently posted as Clerk, M.R.S. High School, Maniyari, District- Muzaffarpur.
4. Satish Kumar, Son of Raghaw Singh, aged about 46 years, resident of Village- Kumar Bishanpur, P.S.- Dumra, District- Sitamarhi, Presently posted as Clerk, R.K.Sarvajanik Praveshika Vidyalay, Kamalpura, Muzaffarpur.

... .. Petitioners.

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Secondary Education Department, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur, District- Muzaffarpur.
5. The District Education Officer, Muzaffarpur, District- Muzaffarpur.

... .. Respondents.

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s : Mr. K.N. Jha, AC to GA-11

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-03-2025 Heard learned counsel for the petitioners and learned counsel for the State.

2. By filing the present petition, the petitioners seek a direction to the respondent authorities for payment of current as well as arrears of salary in revised scale i.e. Rs.4000-6000/- in place of pay scale of Rs.3050-4500/- to the petitioners from the



date of joining in the light of order passed in C.W.J.C. No.3353 of 2018, C.W.J.C. No.8821 of 2018, dated 23.07.2018 and L.P.A. No.167 of 2016 and also for consequential benefit thereupon on account of revision etc.

3. Learned counsel for the petitioners submits that the order passed by LPA Court is being complied by the State authorities subject to final outcome of Civil Review No. 236 of 2019 preferred by the State which would be evident from letter bearing no. 1620 dated 23.01.2023 & 3628 dated 21.04.2023 issued by General Administration Department, Govt. of Bihar as well as Finance Department of Government of Bihar, respectively. He further submits that a Co-ordinate Bench of this Court taking into consideration various orders passed by different Benches of this Court has granted similar relief to similarly situated persons in C.W.J.C. No. 188 of 2021 by order dated 09.07.2021.

4. On the other hand, learned counsel for the State submits that two conflicting orders were passed by two Division Benches of this Court, one in favour of similarly situated petitioners and another in favour of the State. The two LPAs and LPA No. 167/2016 in which relief was granted to the petitioners and another is LPA No. 100 of 2012 in which order was passed



in favour of the State. In view of two conflicting orders passed by LPA Courts, a Single Bench of this Court referred the matter before Larger Bench where the civil review filed by the State along with the two LPAs are pending consideration. He further submits that a civil review application has been filed against the order passed by LPA Bench of this Court in LPA No. 167/2016. Accordingly, submission is that all these writ petitions be listed after disposal of Civil Review No. 236 of 2019.

5. Considering the arguments of the parties and from perusal of the materials on record, it appears that several Benches of this Court has passed order in favour of similarly situated petitioners claiming pay scale of Rs. 4000-6000/- previously on the basis of Division Bench judgment of this court passed in LPA No. 167 of 2016.

6. It is true that civil review preferred against the aforesaid judgment is pending before the Larger Bench however the State in its General Administrative Department as well as Finance Department has come out with letters to comply with the order passed in LPA No. 167 of 2016, subject to final outcome of Civil Review No. 236 of 2019. Recently also by order dated 08.11.2023, the District Magistrate, Kaimur (Bhabhua) has complied with the directions of LPA Bench



granting pay scale of Rs. 4000-6000/- to similarly situated persons subject to final outcome of Civil Review No. 236 of 2019 pending before Larger Bench.

7. Bihar State Litigation Policy, 2011 in its clause 4.C(1) says as follows:

“4.C(1). 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.”

8. Taking into consideration the fact that State Government has already come out with the decision to comply with the order passed in LPA No. 167/2016, subject to final outcome of civil review and the litigation policy of the State Government and various orders passed by other Benches of this Court granting similar relief to similarly situated persons, in my opinion, all the writ applications can be disposed of granting similar relief to the writ applications can be disposed of granting similar relief to the writ petitioners in terms of the order passed by Division Bench of this Court in LPA No. 167 of 2016.

9. Accordingly, the present writ petition is disposed of exactly in terms of the order passed in LPA No. 167 of 2016.



This however shall be subject to the final outcome of the result of Civil Review no. 236/2019 pending before Larger Bench.

10. It is made clear that the said benefit to the petitioners shall be granted subject to filing undertaking by them before the concerned authorities regarding refund of the amount received by them if the issue pending before Larger Bench/ and/ or Civil Review No. 236 of 2019 goes in favour of the State Government.

11. In view of the facts aforementioned, this writ application is disposed of.

(Anjani Kumar Sharan, J)

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