

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9627 of 2025

1. Jyoti Kumar Sharma, S/O-Late Rajkeshwar Sharma, R/o- Vill and P.O.- Raipur Chor, P.S. Shiv Nagar, District- Rohtas, Presently Working as Upper Division Clerk in Block Office, Dehri, Rohtas.
2. Sharda Singh, D/O Late Kamlesh Kumar Singh, R/O- Vill and P.O- Raipur Chor, P.S- Baddi (Sheosagar), Dist.- Rohtas, Presently Working as Upper Division Clerk in District Social Security Cell, Rohtas, Sasaram.
3. Vivek Kumar, S/O- Late Kanhaiya Prasad Srivastawa, R/O- Vill- Tetari (Vaastu Vihar) Phase-2, Unit- 4, Simplex Bungalow, Sasaram, Dist.- Rohtas, Presently Working as Upper Division Clerk in District Revenue Section, Rohtas.
4. Gaurav Kumar, S/O- Late Birendra Kumar Singh, R/O- Vill and P.O- Saray, P.S-Shivsagar, District-Rohtas, Presently Working as Upper Division Clerk in Anchal Office, Chenari, Rohtas.
5. Santosh Kumar, S/O- Late Ramashish Prasad Gupta, R/O- Star Type Q.No- D/1, P.O and P.S- Dalmianagar, Dist.- Rohtas, Rresently Working as Upper Division Clerk in the Office of D.C.L.R, Sasaram, Rohtas.
6. Mahendra Kumar, S/O- Late Jagmohan Ram, R/O- Vill- Tenduni(Dhibra), P.O and P.S-Bikramganj, Dist.- Rohtas- Presently Working as Upper Division Clerk in the Office of Block Development Office, Nashriganj, Rohtas.

... .. 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, Rohtas.
4. The District Establishment Committee, Rohtas through the District Magistrate, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gyan Shankar, Advocate Mr. Rakesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Subhash Chandra Mishra, SC-16

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-06-2025

Heard the parties.

2. The petitioners have invoked the jurisdiction of this



Court seeking a direction upon the respondent authorities to consider their case for granting the benefit of 1st MACP in the pay band of Rs.5200-20200/-, Grade Pay Rs.2800/- with effect from the date it was due to the petitioners and/or as has been granted to other similarly situated employees.

3. The petitioners were duly appointed as Lower Division Clerks in the Collectorate of Rohtas on compassionate ground in the pay-scale of Rs.3050-4590/- with Grade Pay Rs.1900/-. On being aggrieved with the inappropriate pay-scale, the petitioners along with others moved before this Court in C.W.J.C. No.11759 of 2021 and C.W.J.C. No.17 of 2023 for a direction to the respondent authorities to grant pay-scale of Rs.4000-6000/-, Grade Pay Rs.2400/-. The matter was finally heard and came to be disposed off in the light of the decision rendered by the learned Division Bench of this Court in L.P.A. No.167 of 2016 and other analogous cases. In pursuant thereto, the petitioners and others were accorded the benefit of pay-scale of Rs.4000-6000/- with Grade Pay Rs.2400/-. After completion of ten years of service, the petitioners became entitled to get the benefit of 1st MACP in Grade Pay of Rs.2800/-; however, when the matter was placed before the District Establishment Committee under the Chairmanship of the District Magistrate on 14.12.2024, instead of extending the benefit of MACP, the Committee sought a guideline from the



General Administration Department. On the other hand, identically situated persons, namely, Rajeev Kumar and Surendra Kumar Singh, who were also petitioners in C.W.J.C. No.11759 of 2021, have been extended the benefit of 1st MACP in revised Grade Pay of Rs.2800/- on completion of ten years and 2nd MACP in P.B.-2, Grade Pay Rs.4200/-.

4. Referring to the aforesaid facts, learned Advocate for the petitioners contended that there is gross discrimination amongst the identically situated employees compelling the petitioners to approach before the respondent no.3. However, no action has been taken till date; hence, the present writ petition.

5. Learned Advocate for the State fairly contended that the case of the petitioners are required to be considered at the departmental level since their case is based on parity.

6. In view of the submissions set forth and the discussions made hereinabove, especially the fact that identically situated persons have been extended the benefit of 1st MACP in the pay band of Rs.5200-20200/- with Grade Pay of Rs.2800/-, this Court deems it fit and proper to dispose off the writ petition with a direction to the respondent no.3, District Magistrate, Rohtas to consider the claim of the petitioners in the light of the Bihar State Litigation Policy, 2011, especially Rule 4.C. thereof, which stipulates as under:-

“4.C. Covered Matters



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.”

7. Suffice it to observe that the entire exercise must be completed, preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

8. In case, the claim of the petitioners finds identical to those of Rajeev Kumar and Surendra Kumar Singh (C.W.J.C. No.11759 of 2021), identical benefit(s) must be extended to the petitioners within the period stipulated.

9. The writ petition stands disposed off.

(Harish Kumar, J)

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