

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9626 of 2023

1. Umesh Prasad Mandal Son of Late Bhuneshwar Mandal, working as Clerk in the office of District Education Officer, At, P.S. and District- Katihar.
2. Md. Inamul Haque Son of Late Zahiruddin Ahmad, working as Clerk in the office of District Programme Officer, (Establishment), At and P.S.- District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Regional Deputy Director, Education, Katihar.
2. The Regional Deputy Director, Katihar.
3. The District Education Officer, Katihar.
4. The District Programme Officer (Establishment), Kishanganj, District- Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amaresh Kumar Singh Mr. Dineshwar Prasad Singh
For the Respondent/s	:	Mr. Madhaw Pd. Yadaw (GP23) Mr. Rajesh Kumar Sinha AC to GP 23

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

5 21-04-2025 Heard learned counsels appearing for both the parties.

2. This writ petition has been preferred by the
petitioners seeking following relief:-

*For issuance of an appropriate writ,
order or direction for payment of
scale of Rs. 4,000/- to 6,000/- with
appropriate grade pay from the date
the petitioners promoted to the post of
Clerk i.e. 13.04.2018 with
consequential benefits as the person
of the same cadre and even junior are
getting the aforesaid scale.*



3. Learned counsel for the petitioners submits that in the light of order passed by this Court in C.W.J.C. No. 17158 of 2018 dated 03.10.2018 based upon the order dated 23.06.2017 passed in L.P.A. No. 167 of 2016, the petitioners are entitled to get revised pay scale of Rs. 4000/- to 6000/- and its equivalent grade pay from the date of their joining. He further submits that order dated 23.06.2017 passed in L.P.A. No. 167 of 2016 is being complied by the State in some of the matters subject to final outcome of the Civil Review No. 236 of 2019 preferred by the State. According to the counsel, some of the Co-ordinate Benches of this Court in some of the cases granted similar relief to other similarly situated persons. Reliance was placed by him in the case of C.W.J.C. No. 188 of 2021 order dated 09.07.2021 and C.W.J.C. No. 19107 of 2024 order dated 18.12.2024.

4. Learned counsel for the respondents-State submits that two conflicting orders were passed by two Division Benches of this Court, one is in favour of the State and another is in favour of the petitioner therein. Referring to the decision passed by this Court in L.P.A. No. 100 of 2012, L.P.A. Nos. 188 of 2012 and 1303 of 2012, he submits that in these Letters Patent Appeals, the claim of the petitioners therein have been rejected by this Court. Therefore, in the light of above, the



petitioners are not entitled to get any relief. He further submits that since review petition is still pending before the larger Bench of this Court for further consideration, therefore, it would be appropriate to list these writ petitions after disposal of the Civil Review No. 236 of 2019.

5. Considering the submissions made by both the counsels and on perusal of the material available on record, I found that though the Civil Review No. 236 of 2019 is pending before the Larger Bench of this Court in spite of that several Benches of this Court have passed order in favour of the similarly situated persons claiming pay scale of Rs. 4000/- to 6000/- on the basis of judgment passed by the Division Bench of this Court in L.P.A. No. 167 of 2016, therefore, I am of the view that the present writ petition can also be disposed of granting similar relief to the petitioners herein in terms of the order passed by the Division Bench of this Court in L.P.A. No. 167 of 2016.

6. Accordingly, the writ petition is disposed of in terms of the order passed in L.P.A. No. 167 of 2016. This, however, shall be subject to final outcome of the result of Civil Review No. 236 of 2019 pending before the Larger Bench of this Court.



7. It is made clear that 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 the Larger Bench / and / or Civil Review No. 236 of 2019 goes in favour of the State Government.

(Arvind Singh Chandel , J)

shailendra/-

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