

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11401 of 2022

1. Saroj Kumar Jha son of Late Jeet Narayan Jha Yogi, Resident of Ward No. 4, P.O. and P.S.-Supaul, District-Supaul.
2. Rahde Shyam Kumar son of Late Ram Kishor Jha, Resident of Village-Malhad, Ward No. 14, P.O.-Supaul, District-Supaul.
3. Raj Kishore Ranjan Son of Late Shivnandan Prasad Yadav, Resident of Village-Kabirpur, P.S. Alaw, District-Saharsa.
4. Nand Kishor Singh Son of Damodar Prasad Singh, Resident of Ward No. 10, P.S. Panchgachhia, District-Saharsa.
5. Ajay Kumar Bharati, Son of Late Vishwanath Mehta, Resident of Supaul, Ward No. 8, Parsagarhi, P.S.-Jadia, District-Supaul.
6. Ravi Shankar Kumar, Son of Banshidhar Jha, Resident of Gaharwar Tola, Panchgachhia, Ward No. 05, P.S.-Panchgachhia, District-Saharsa.
7. Surendra Paswan, son of Late Kailu Paswan, Resident of Village-Hridyanagar, P.O.-Basantpur, P.S.-Birpur, District-Supaul.
8. Durga Nand Yadav, Son of Late Bindeshwari Yadav, resident of Village and P.O.-Basantpur, P.S.-Birpur, District-Supaul.
9. Rajesh Kumar, son of Late Suryanarayan Parsaila, resident of Village and P.O.-Basantpur, P.S.-Birpur, District-Supaul.
10. Ashok Kumar Mahto, son of Late Dhaneshwar Mahto, resident of Village-Lalpur, Ward No. 13, P.O.-Bhimnagar, P.S.-Birpur, District-Supaul.
11. Ashutosh Kumar Mishra, son of Late Devendra Mishra, resident of Village-Dumiral, Ward No. 33, P.O. and P.S. and District-Saharsa.
12. Gauri Shankar Jha, son of Late Gulbadan Jha, resident of Village and P.O.-Raghopur, District-Supaul.
13. Chandan Kumar, son of Late Shyam Sundar Yadav, Resident of Village-Mirapatti, P.O.-Gwalpada, P.S.-Chhatapur, District-Supaul.
14. Saroj Kumar, son of Late Bhagwan Datta Yadav, Resident of Village-Basbitti Road, Ward No.9, Chak Dumriya, P.S.-Supaul, District-Supaul.
15. Keshaw Kumar son of Shashi Bhushan Kumar, Resident of Village-Gokhle Nagar, Bshnupur, P.S.-Bishunpur, District-Begusarai.
16. Kumar Saurav, Son of Late Ratnesh Kumar Mishra, Resident of Village-Maithil Tola, Korotbari, West of Law College, Ward No. 16, P.S.-K. Hat, District-Purnia.
17. Miku Kumar son of Late Birendra Prasad Yadav, Resident of Village-Bhawani Patti, Tamua, Ward No. 04, P.S.-Bairia, District-Supaul.
18. Priyaranjan Kumar, son of Late Ram Kumar Verma, Resident of Village-Naya Nagar, Ward No. 14, P.S. and District-Supaul.
19. Rakesh Kumar son of Late Chandeshwar Das, Resident of Village-Nirmali, Ward No. 02, P.S.-Nirmali, District-Supaul.
20. Sikendra Kumar, son of Late Shivnarayan Yadav, Resident of Village-Hulas, Ward No. 06, P.S.-Hulas, District-Supaul.



21. Anurag Kumar, son of Late Ramnandan Mishra, Resident of Village-Mahthaur, P.O.-Patal, P.S.-Manigachhi, District-Darbhanga.
22. Ravindra Kumar son of Late Govardhan Yadav, Resident of Village and P.O.-Sattar, P.S.-Simrahi, District-Saharsa.
23. Vinod Kumar Nirala, Son of Late Dharmdev Kamat, Resident of Triveniganj, Ward No. 08, P.S.-Triveniganj, District-Supaul.
24. Amit Kumar Raja, Son of Late Anil Prasad, Resident of Village-Rajpura, P.O.-Balhampur, Via-Simri Bakhtiyarpur, P.S.-Simri Bakhtiyarpur, District-Saharsa.
25. Afroz Alam, son of Late Noor Mohammad, Resident of Ward No. 10, Near Masjid, Patarghatti, P.S.-Talha Garhia, District-Supaul.
26. Rajesh Chandra, son of Late Maheshwar Prasad, Resident of 12, Ward No. 08, Hanswihini Gali, Bank of India Road, Subhash Chowk, Nirmali Nagar Panchayat, P.S.-Nirmali, District-Supaul.
27. Sushila Kumari, Daughter of Late Josef Hansda, Resident of Village-Satami, P.O.-Banshi Purandeha, Ward No. 18, P.S.-Dhamdaha, Bansipurandaha, District-Purnea.
28. Rupesh Kumar, son of Late Ganga Sah, Resident of Village and P.O.-Bahri, P.S.-Singheshwar, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Secretariat, Patna.
2. The Principal Secretary, Department of General Administration (Formerly known as Personnel and Administrative Reform department), Government of Bihar, Main Secretariat, Patna.
3. The District Magistrate, Collectorate, Supaul.
4. The Deputy Collectr (Establishment), Collectorate, Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rashid Izhar, Advocate
For the Respondent/s : Mr. Dhurendra Kumar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-03-2025 Heard Mr. Rashid Izhar, learned Advocate for the

petitioners and Mr. Dhurendra Kumar, learned Advocate for the

State.

2. The petitioners have invoked the extraordinary writ



jurisdiction of this Court under Article 226 of the Constitution, seeking a direction upon the concerned respondents to extend them the pay-scale of Rs. 4000-6000/- instead of 3050-4590/- with effect from the date of their appointment, who are presently working as Clerk in different offices of Collectorate, Vaishali, 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 as also C.W.J.C. No. 3904 of 2023.

3. Learned counsel for the petitioners 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 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/- vide Annexure-9 to the writ petition.

4. *Per contra*, learned counsel for the State submitted that if the contention of the petitioners is based upon the decision of this Court, as noted hereinabove, they may approach before the concerned authorities, who shall examine the claim of the petitioners and pass reasoned and speaking order.

5. 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, Vaishali to consider the representation of the petitioners as contained in Annexure-7 to the writ petition, preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

6. Suffice it to observe that in case the claim(s) of the petitioners find favour, 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. 3904 2023, similar benefit(s) be
accorded to the petitioners.

7. The writ petition stands disposed off.

(Harish Kumar, J)

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