

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11372 of 2023

1. Diwakar Sharma Son of Late Lal Bihari Singh, Resident of Village and P.O.-Bilari, P.S.-Katrisarai, District-Nalanda, at present Clerk in Inter School Dhanpur, P.O.-Bhatta, P.S.-Kashi Chak, District-Nawada.
2. Sikander Kumar, Son of Late Ramasharay Sharma, Resident of Village-Kutari, P.S.-Warisaliganj, District-Nawada, at present Clerk in Inter School Saur Dariyapur, P.O.-Rajapur Saur, P.S.-Warisaliganj, District-Nawada.
3. Abhay Kant Singh, Son of Late Chandra Mauli Singh, Resident of Village-Bajara, P.O. and P.S.-Hisua, District-Nawada, at present Clerk in Plus 2 D.L. High School Hisua, P.O. and P.S.-Hisua, District-Nawada.
4. Sudha Ranjan Kumar, Son of Late Siya Sharan Singh, resident of Village and P.O.-Ohari, P.S. Nawada, District-Nawada, at present Clerk in Inter School Samay Nawada, District-Nawada.
5. Md. Umar, son of Late Md. Reyaz Ansari, resident of Village-Mughal Kuan, P.S.-Soh Sarai, District-Nalanda, at present Clerk in Congress Plus 2 High School, Dasrathpur, Nalanda, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Secondary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education Gaya, District-Gaya.
4. The District Education Officer, Nawada District-Nawada.
5. The District Education Officer, Nalanda, District-Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar
For the Respondent/s : Mr.Smt. Binita Singh (Sc 28)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 18-01-2025

Heard learned counsel for the parties.

2. The petitioners have moved before this Court for the following reliefs:

“(i) For issuance of appropriate writ(s), order(s), direction(s) for payment of current



arrear of salary in revised scale i.e. Rs. 4000-6000/- in place of Rs.3050-4500/- to the petitioners from the date of joining in the light of order passed by Hon'ble Court in CWJC No.3353 of 2018, CWJC No.8821 of 2018 order dated 29.07.2018 and LPA No.167 of 2016 and also consequential benefits."

3. Learned counsel for the petitioners submits the case of the petitioners is squarely covered by order passed by this Court vide order dated 15.05.2024 passed in C.W.J.C. No.3819 of 2024. It is further submitted 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 submitted 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 L.P.As are



L.P.A. 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 civil review filed by the State along with the two LPAs are pending for 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 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 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 the 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 petitioners in terms of the order passed by Division Bench of this Court in LPA No. 167 of 2016.



9. Accordingly, this writ application 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 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 / 2019 goes in favour of the State Government.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.01.2025
Transmission Date	NA

