

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18351 of 2024

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1. Rajeev Ranjan son of Late Khagesh Prasad Mandal, working as Clerk in Dharmpur Gandhi High School, Krishna Nagar, at Naraihia, P.S.- Falka, District- Katihar.
 2. Amit Kumar son of Late Raghunath Kumar working as Clerk in B.P.S.P. High School at and P.S.-Manihari, District- Katihar.
 3. Kiran Srivastav wife of Late Sanjay Kumar working as Clerk in Uma Devi Mishra Balika High School at and P.S. and District- Katihar.
 4. Tahera Khatoon wife of Late Md. Nasrat Ali working as Clerk in Project Kanya High School at and P.S.-Falka, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director (Secondary Education), Government of Bihar, Patna.
2. The Director (Secondary Education), Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Purnea Division, Purnea.
4. The District Education Officer, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amaresh Kumar Singh Mr. Onkar Kumar Mr. Dinesh Pd. Singh
For the Respondent/s	:	Mr. Government Advocate 10

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-03-2025 1. Heard learned counsel for the petitioners and learned AC to GA-10 for the State.

2. The learned counsel appearing on behalf of the petitioners submits that the instant writ application has been filed for payment of current and arrear of salary in revised scale i.e. Rs. 4000-6000/- and its equivalent grade pay in place of current pay scale of Rs. 3050-4500/ to the petitioners from the date of joining in light of the order passed by this Court in



CWJC No. 17151 of 2018 dated 03.10.2018 and LPA No. 167 of 2016 dated 23.06.2017 and also the consequential benefits.

3. The learned counsel appearing on behalf of the petitioners submits that petitioners are working as Clerk in the schools under control of the Education Department. It is submitted that the case of the petitioners is similar to the issue decided by the Hon'ble Division Bench of this Court in LPA No. 167 of 2016 vide order dated 23.06.2017 directing the respondents to pay the benefit of pay scale of Rs. 4000-6000 to the writ petitioners with effect from the date of appointment. It is next submitted that petitioners are similarly situated to those writ petitioners who were party to LPA No. 167 of 2016 as respondents. It is further submitted that the order passed by the Hon'ble Division Bench in LPA No. 167 of 2016 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 as would manifest from Annexure-10 series to the writ application. It is next submitted that a learned 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 an order dated 09.07.2021.

4. The learned counsel appearing on behalf of the State submits that two conflicting orders were passed by two Division Benches of this Court, one in favour of similarly situated persons and another in favour of the State. The two LPAs are LPA No. 167 of 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, it is thus submitted that in view of two conflicting orders passed by LPA Courts, a Single Bench of this Court referred the matter before a Larger Bench where the civil review filed by the State along with the two LPAs are pending consideration. It is further submitted that a civil review application has been filed against the order passed in LPA No. 167 of 2016 by the State, as such, it is submitted that the instant writ application be listed after disposal of Civil Review No. 236 of 2019.

5. The learned counsel appearing on behalf of the petitioners does not dispute the said submission of the learned counsel appearing on behalf of the State, but then submits that 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, further recently the District Magistrate, Kaimur (Bhabhua) by order dated 08.11.2023 has complied with the directions of the Hon'ble Division Bench in LPA No. 167 of 2016 by 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.

6. The learned counsel appearing on behalf of the petitioners thereafter draws the attention of the Court to Bihar State Litigation Policy, 2011 wherein Clause 4.C(1) incorporates- "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. The learned counsel for the petitioners next places reliance on an order dated 28.11.2023 passed in CWJC No.



24678 of 2019 (Kumar Shivajee & Ors. Vs. The State of Bihar & Ors.) and other analogous cases to submit that in an identical matter this Court had allowed the relief to the petitioners by holding that since the State Government has already come out with a decision to comply with the order passed in LPA No. 167 of 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 Hon'ble Division Bench of this Court in LPA No. 167 of 2016.

8. After hearing the learned counsel for the parties, the Court is in complete agreement with the submissions made by the learned counsel appearing on behalf of the petitioners and also taking into consideration the order dated 28.11.2023 in CWJC No. 24678 of 2019 and other analogous cases, finds merit in the writ application and **accordingly the writ application is disposed of** in terms of the order passed in LPA No. 167 of 2016, but then the same shall be subject to the final outcome of the result of Civil Review No. 236 of 2019 pending consideration before a Larger Bench.



9. 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 i.e. Civil Review No. 236 of 2019 is decided in favour of the State Government.

(Satyavrat Verma, J)

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