

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.946 of 2024

1. Jai Prakash Pandey Son of Late Bangali Pandey, Resident of Village and P.O.- Sadiha, Ward No. 01, Block and P.S.- Bhagwanpur Hat, District- Siwan, Retired Primary Teacher, Government Primary School, Sadiha, Bhagwanpur Hat, District- Siwan.
2. Jaikishor Singh, Son of Chhavila Singh, Resident of village- Piprahia, P.S. and Block- Bhagwanpur, District- Siwan, at present working as Primary Teacher, Government Primary Girls School, Mora, Block- Bhagwanpur, District- Siwan.
3. Shashi Ranjan, Son of Ramraja Prasad Sinha, Resident of village and P.O. Sadiha, Ward No. 01, Block and P.S.- Bhagwanpur Hat, District- Siwan, presently working as Primary Teacher in Upgraded Middle School, Banpura, Block- Bhagwanpur, District- Siwan
4. Sunil Kumar Shahi, Son of Ramji Shahi, Resident of village and P.O.- Paterha, Block and P.S.- Maharajganj, District- Siwan, Retired Primary Teacher, Government Primary School, Tarwar, Block- Bhagwanpur, District- Siwan.
5. Akhileshwar Singh, Son of Rajbali Singh, Resident of village and P.O.- Kala Dumra, Block and P.S.- Goreya Kothi, District- Siwan, presently working as Primary Teacher, Government Primary School, Katalphar, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Secretary (Expenditure), Finance Department, Government of Bihar, New Secretariat, Patna.
4. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
5. The District Education Officer, Siwan.
6. The District Programme Officer (Establishment), Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Adv.
For the Respondent/s : Mr. Kumar Mangalam, AC to SC 24

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 09-09-2025

Heard the parties.

2. The petitioners have approached this Court for the



following reliefs:

“i) Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the letter dated 10.11.2020 bearing Memo No. 5770 issued by the Secretary (Expenditure) Finance Department, Bihar, Patna, has been informed that in view of the fact that the Senior/Super Selection Grade pay scale is different from A.C.P/M.A.C.P. the benefits of the resolution dated 07.12.2018 bearing Memo No. 8921 issued from the Finance Department of the State Government are not to be extended the benefits of Senior/Super Selection Grade w.e.f. 01.01.2006 as a result of which the petitioners have been subjected to the peril of recovery of salary already paid to them.

ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned Respondent authorities to refrain from acting in furtherance of the directions contained under the aforesaid impugned letter dated 10.11.2020 bearing Memo No. 5770 issued by the Secretary (Expenditure) Finance Department, Bihar, Patna in so far as the same relates to the petitioners and similarly situated persons.

iii) Issuance of a direction, order or writ, including writ in the nature of MANDAMUS commanding the concerned Respondent authorities to refrain from taking any further steps towards making recovery of the amount that have already been paid in favour of the petitioners



working/retired in the capacity of teachers in different Government Schools within the State of Bihar, who have already been extended the financial benefits upon fixation of their salaries in furtherance of the provisions contained under the resolution dated 07.12.2018 bearing Memo No. 8921 issued by the Finance Department of the State Government and accordingly, such persons be continued to be made payment of salary on the basis of the fixation of their pay as per the provisions contained under the said resolution dated 07.12.2018 on the basis of the approval having been granted by the competent authority.

iv) Issuance of a declaration holding that the impugned letter dated 10.11.2020 bearing Memo No.5770 issued by the Secretary (Expenditure), Finance Department, Bihar, Patna is completely untenable in the eyes of law in so far as the same relates to the petitioners.

v) Any other relief that the petitioner may be found to be entitled to in the facts and circumstances of the present case.”

3. After some argument, learned Advocate for the petitioners submitted that the identical issue has come up for consideration before a Bench of this Court and the claim of the identically situated persons has been negated against which LPA No. 593 of 2022 and other analogous appeals have been preferred and finally the issue has been given quietus vide



order/judgment dated 24.06.2025, copy of which is placed on record.

4. Counter affidavits on behalf of the respondent No. 4 and the respondent No. 6 have also taken note of the decision rendered by the co-ordinate Bench of this Court and referring such decision, the respondents have opposed the claim of the petitioners. However, this fact has not been refuted by the learned Advocate for the State that subsequent to the filing of the counter affidavit, the learned Division Bench has been pleased to set aside the order passed by the learned co-ordinate Bench of this Court.

5. Having considered the settled position, this Court deems it appropriate to dispose of the present writ petition in terms of the order/judgment passed by the learned Division Bench of this Court in LPA No. 593 of 2022 which reads as follows:

“.....Further, they have to take note of the judicial pronouncements insofar as any recovery or excess payment also. The above exercise shall be completed within a period of six months. It is made clear that if the official respondents decision is adverse in nature, in such an event, such of those employees shall be provided ample opportunity of oral hearing/written submission, if any. The above exercise shall be completed and



the concerned authority shall proceed to pass a detailed speaking order after due consideration of each of the employees version within a period of six months from the date of receipt of this order. 5. If any recovery has been effected by virtue of impugned decision of the State Government dated 10.11.2020 read with the learned Single Judge order, in that event, the concerned authority is hereby directed to refund the same within a period of four months from the date of receipt of this order.....”

6. In view thereof, the present writ petition stands disposed of.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	10 .09.2025
Transmission Date	

