IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1992 of 2023

CNR No. BRHC010020112023

==========

1. Naveen Kumar Son of Late Nasib Lal Das Resident of Village- Naya Bazar, Ward No.- 09, (West of Dr. Moti Verma), P.O. and P.S. and District- Saharsa.
2. Niraj Kumar Bose, Son of Late Rajendra Prasad Yadav Resident of Village- Gorha, P.O.- Bashampur, P.S.- Simri Bakhtiyarpur, District- Saharsa.
3. Nand Kishore Ravi, Son of Late Ramu Prasad Ram Resident of Village and P.O.- Bihra, P.S.- Bihra, District- Saharsa.
4. Alok Kumar, Son of Late Harinandan Prasad Sinha Resident of Village- Sinha Bhawan, Uchit Nagar, Nariyar, Ward No.- 03, P.O. and P.S. and District- Saharsa.
5. Rajesh Kumar, Son of Late Gajendra Prasad Sah Resident of Village- New Colony, Ward No.- 09, P.O. and P.S. and District- Saharsa.
6. Vikram Kumar, Son of Late Baleshwar Prasad Yadav Resident of Village- Tamkuha, P.O.- Bairath, P.S.- Sonbarsa, District- Saharsa.
7. Baby Kumari, Wife of Late Kundan Kumar Resident of Village and P.O.- Aaran, P.S.- Bihra, District- Saharsa.
8. Shikha Kumari, D/o Late Vijay Kumar Yadav Resident of Village- Tiri, P.O.- Dhanchoha, P.S.- Sourbazar, District- Saharsa.

... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
3. The Divisional Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The Deputy Collector, Establishment, Saharsa.

... ... Respondent/s

==========

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Respondent/s : Mr. Pramod Kumar Singh, GP-34

Mr. Amit Kumar, AC to GP-34

==========

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 27-10-2026

Heard learned counsel for the petitioners and learned

WEB COPY

counsel for the State.

2. The present writ petition has been filed for the following relief/s:-

> *"That this is an application for issuance of appropriate writ/writs, order/orders, direction/directions, commanding and directing the Respondent authority concerned to grant of pay scale of Rs.4000-6000/- i.e. grade pay Rs.2400/- in place of pay scale of Rs.3050-4500/- (Revised pay scale 5200-20200, grade pay Rs.1900) to the petitioners from the date of joining and consequential arrears of salary in the light of order passed by this Hon'ble Court in C.W.J.C. No.3353/2018 disposed of vide order dated 27.02.2018 as well as order passed in L.P.A. No. 167/2016 disposed of vide order dated 23.06.2017 passed by Division Bench of this Hon'ble Court under which in view of merger of Lower Division Clerk and Upper Division Clerk and new nomenclature as Assistant and on that basis petitioners have been discriminated. And/or any other relief or reliefs for which the petitioners are found entitled to in the facts and circumstances of this case."*

3. Learned counsel for the State raised preliminary

WEB COPY

objection and submits that the issue involved in the present writ petition has already been decided by the Hon'ble Full Bench of this Court in case of ***Ravi Shankar Kumar Vs. The State of Bihar, through the Chief Secretary & Ors with other analogous cases*** reported in ***2025 SCC Online Pat 2627,*** by which a cut-off date i.e. 20.12.2000 was fixed and the Hon'ble Full Bench observed that those who appointed after 20.12.2000 shall be entitled to the pay scale of Rs. 3050-4590/- and not Rs. 4000-6000/-. Here in the present case, the petitioners were appointed after the cut-off date i.e. 20.12.2000, therefore, he is not entitled for pay scale of Rs. 4000-6000/-.

4. Upon perusal of the above mentioned judgment i.e. *Ravi Shankar Kumar Vs. The State of Bihar, through the Chief Secretary & Ors.* **(*supra*)**, it transpires to this Court that it's para 82 & 83 are very much relevant which are reproduced here-in-below:-

> *".....82.* In ultimate analysis, we proceed to answer the question referred to the larger Bench in C.W.J.C. No. 23831 of 2018 as under:-
>
> *(i) Any person appointed on the post of Lower Division Clerk after demerger in the scale of Rs.3050-Rs.4590/- cannot claim and would not be entitled to a higher pay scale of*

WEB COPY

Rs.4000-Rs.6000/-. This Court has already noticed that the judgment of the Division Bench in the case of Smt. Mosarrat Arra Khanam (Supra) was not brought to the notice of the subsequent Division Bench in the case of Avinash Kumar Chakerworty) (supra). It is further held that the principle of "Equal pay for equal work" has no application in these matters.

.....83. In C.W.J.C. No. 2804 of 2020, three questions have been referred to the larger Bench, we answer the same in corresponding terms as under:-

(i) the views expressed by the Hon'ble Division in the case of Smt. Mosarrat Arra Khanam and others (supra) is the correct view. We do not approve the views expressed by the Division Bench in the case of Avinash Kumar Chakerworty and others. The case of Binit Kumar and Others (supra) deals with altogether a different issue which is not falling for consideration in the present writ applications.

(ii) After Finance Department's Resolution dated 20.12.2000, a demerger of the post of Assistant resulted in existence of three different posts i.e. (I) Lower Division Clerk (ii) Upper Division Clerk and (iii) Assistant. In terms of clause (5)(i) of the Resolution Dated 20.12.2000 the vacancies existing in the

WEB COPY

post of Assistant (prior to demerger) would be taken as the vacancies existing in the post of Lower Division Clerk which is the junior most/ lowest post available in that category. Thus, the petitioners who have been appointed after 20.12.2000 could have been appointed only against the post of Lower Division Clerk in the pay scale of Rs.3050/- Rs.4590/.

(iii) All the appointees on the post of Lower Division Clerk after 20.12.2000, irrespective of their source of appointment are entitled to the pay scale of Rs.3050 – Rs. 4590/-."

5. In this view of the matter, it transpires to this Court that the petitioners were appointed after the cut-off date i.e. 20.12.2000, therefore, they are not entitled for pay scale of Rs. 4000-6000/-, as per the judgment of *Ravi Shankar Kumar Vs. The State of Bihar, through the Chief Secretary & Ors.* **(*supra*).**

6. Accordingly, this writ petition stands dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	28/10/2026
Transmission Date	NA

WEB COPY