

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8470 of 2021

1. Ashok Kumar son of Late Tapeswar Sharma resident of Block No. 07, Flat No. 01, High Court Colony, Adalatganj, P.O. - G.P.O., P.S. - Kotwali, District- Patna, Pin Code - 800001.
2. Gopal Krishna Sinha son of Shri Binod Prasad Sinha resident of E/5, Old Post Office Lane, P.O. - Chitragupta Nagar, P.S. - Patrakar Nagar, District- Patna, Pin Code - 800020.
3. Manoj Bihari Singh son of Late Bipin Bihari Singh resident of C/17, High Court Colony, P.O. - G.P.O., P.S. - Kotwali, District- Patna, Pin Code - 800001.
4. Subodh Kumar Sinha son of Late Triloki Nath Sinha resident of Flat No. - B/504, New Mainpura Saguna More, P.S. - Rupaspur, District- Patna, Pin Code - 801503.
5. Prakash Chandra Das son of Shri of Late Kedar Lal Das resident of Block No. - 08, Flat No. 06, P.O. - G.P.O., P.S. - Kotwali, District- Patna, Pin Code - 800001.
6. Sanjay Parkhee son of Late Krishna Deo Mishra resident of Flat No. 401, Lakhandeo Enclave, Ashiana Digha Road P.O. - Dighgaht, P.S. Digha, District- Patna, Pin Code - 800011.
7. Ajay Kumar Chaturvedi son of Shri Niwas Choubey resident of Adarsh Vihar Colony, Behind Prashray Builders, Bailey Road, Rukanpura, P.O. - B.V. college S.O., P.S. - Sheikhpura, District- Patna, Pin Code- 800014.
8. Pankaj Kumar Sinha son of Late Dhaneshwar Prasad resident of Awadhesh Sadan, Near Mohanpur Devi Asthan, P.O. - Punaichak, P.S. - Shastri Nagar, District- Patna, Pin Code - 800023.
9. Binay Ranjan son of Late Sheo Nandan Sahay resident of Sivangan, Mohan Industries Road, Saristabad, P.O. - G.P.O., P.S. - District- Patna, Pin Code - 800001.
10. Rashmi Kumari daughter of Shri Hari Narayan Verma resident of A/49, P.C. Colony, Lohiya Park, Sampatchak, P.O. - Lohiya Nagar, P.S. - Kankarbagh, District- Patna, Pin Code - 800020.
11. Rishikesh Roy son of Late Ram Bilas Rai resident of H/No. 259, Vimal Kunj, Near Forest Office, Nehru Nagar, P.O. and P.S. Patliputra, District- Patna, Pin Code - 800013.
12. Meena Kumari daughter of Shri Permeshwar Dayal resident of Saket Bihar, Mitra Mandal Colony, P.O. and P.S. - Anisabad, District- Patna, Pin Code - 800002.
13. Madan Mohan Sinha son of Late Ram Naresh Singh resident of Block No. - 02, Flat No. - 03, High Court Colony, P.O. - G.P.O., P.S. - Kotwali, District- Patna, Pin Code - 800001.
14. Ashok Kumar son of Late Lalchand Ram resident of Raja Bazar, Samanpura, Behind Magadh Vishwkarma Palace, Madarsha Gali, Rukanpura, P.O. - B.V. College, S.O., District- Patna, Pin Code - 8000014.
15. Sakal Deo Pandit son of Late Lakshman Pandit, resident of House No. -



C/18, Adalatganj Colony, P.O. - G.P.O., P.S. - Kotwali, District- Patna-
Patna, Pin Code - 800001.

16. Vinod Kumar son of Shri Sheo Nath Singh resident of Block No. - 13, Flat No. 06, High Court Quarters, In front of Inter Council, P.O. - G.P.O., P.S. - Kotwali, District- Patna, Pin Code - 800001.
17. Ruma Roy wife of Shri Sugato Roy resident of 28 A North S.K. Puri, Kasturba Path, P.O. - P.S. - S.K. Puri, District- Patna, Pin Code- 800013.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Law Department, Bihar, Patna.
2. Principal Secretary, Finance Department, Bihar, Patna.
3. Registrar General Patna High Court, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Sr. Advocate
	:	Mr. Akshat Kumar, Advocate
	:	Md. Tauseef Waquar, Advocate
For the Respondent nos.1 & 2	:	Mr. Parijat Saurav, AC to AAG-13
For the Respondent No.3	:	Mr. Ashhar Mustafa, Advocate

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT

Date : 27-02-2026

Heard the parties.

2. The present writ petition has been filed for the
following reliefs:-

*(i) Issuance of a direction, order or writ,
including writ in the nature of
mandamus commanding the
concerned respondent authorities
under the Law Department and the
Finance Department of the State
Government to allow the petitioners to
exercise option for fixation of pay in
the revised pay structure after
extension of benefits of salary in level-*



11 in furtherance of a resolution dated 05/10/2018 bearing memo no. 7448 issued from the Finance Department of the State Government;

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities to take steps towards making payment of the arrears of salary and other benefits that the petitioners may be found to be entitled to upon exercise of option for fixation of pay in the revised pay structure in furtherance of the resolution dated 05/10/2018 bearing memo no. 7448 issued from the Finance Department of the State Government;

3. The learned senior counsel for the petitioners submits that on the basis of selection in the competitive examination, conducted by the concerned authorities, the petitioners were initially appointed against the post of Assistants in the establishment of Patna High Court and subsequently, on the basis of fulfillment of all the requirements, they were granted promotions against the substantive posts of Section Officers on or after 01.01.2016. Prior to that vide resolution dated 21.01.2010 issued by the Finance Department, the provision with respect to revision of pay scales of the State



Government employees w.e.f. 01.01.2006 and amongst other persons, the petitioners also became entitled for revision of their salaries, in furtherance of the recommendations contained in Resolution dated 21.01.2010. Subsequently, vide resolution dated 14.07.2010 issued by the Finance Department, in terms of recommendations made by the 6th Pay Revision Commission, the Modified Assured Career Progression (MACP) Scheme was implemented w.e.f. 01.01.2009. The petitioners were also extended the benefit of 2nd financial progression under the MACP Scheme, upon completion of 20 years of regular service and their salaries were fixed in the Pay Band-2 with grade pay of Rs.5400/-.

4. The learned senior counsel for the petitioners submits that while the petitioners were discharging their duties as Section Officers, the State Government came out with a resolution dated 24.05.2017, by which it was decided to extend the benefit of revision of pay scale/structure in favour of employees of the State Government w.e.f. 01.01.2016. In paragraph no.9 of the resolution dated 24.05.2017, dates of the next increments and revised pay structure were prescribed, according to which, two dates for grant of increments were to be there i.e. 1st January and 1st July of each year, instead of existing



date of 1st July of each year. In view of the resolution dated 24.05.2017, the petitioners were also granted the benefits of revision of their salaries in level-9, which is the replacement pay level to be implemented w.e.f. 01.01.2016, in view of the fact that the petitioners were already extended the benefits of 2nd financial progression under the MACP Scheme leading to fixation of their salaries in Pay Band-2 with grade pay of Rs. 5400/-

5. The learned senior counsel for the petitioners further submits that the petitioners were getting their salaries in level-9, which was the replacement for grade pay of Rs. 5400/-, which was granted to the petitioners upon grant of benefits of 2nd financial progression under the Assured Career Progression (ACP) Scheme, but the State Government came out with a resolution dated 14.11.2017, clarifying the mode of giving revision/replacement scale of financial progression, granted earlier to the Assistants/Section Officers under the Bihar Secretariat Service, upon implementation of the revised pay scale w.e.f. 01.01.2016. Clause 4(v) of the Resolution dated 14.11.2017 clarified that Sections Officers who were extended the benefits in upgradation upon completion of 20 years of regular service in Pay Band-2 with grade pay of Rs. 5400/- prior



to 01.01.2016, would be extended the benefits of revision of their salaries in level-11 w.e.f. 01.01.2016, but there was no clarification with regard to exercising option by such persons who had already exercised their options in view of Resolution dated 24.05.2017.

6. The learned senior counsel for the petitioners further submits that in view of difficulties being faced by the petitioners, they submitted a representation before the Registrar General of this Court and the Registrar General vide his letter no. 14114 dated 21.02.2018, addressed to the Secretary to the Government, Law (Judicial) Department, Bihar, Patna requested that clarification be taken/obtained from the 3A Section of the Finance Department, Government of Bihar, for allowing the Section Officers, list of which was submitted along with the letter, to file revised option for fixation of their pay in the revised pay level in the 7th pay revision, under the changed circumstances, in view of letter no. 8891/F dated 14.11.2017 issued by the Finance Department. In response thereto vide letter no. 3064 dated 06.04.2018 issued under the signature of the Special Secretary to the Government, Department of Law, Government of Bihar, Patna, addressed to the Registrar (Establishment), Patna High Court, Patna it was informed that in



view of letter no. 3651 dated 25.05.2017, the options were to be exercised before 30.07.2017 and it was presumed that those who did not exercised their option they have chosen 01.01.2016 as the date of revision and the options once exercised shall be last and final. It was further clarified that no opportunity will be granted to exercise the option again. The petitioners filed a detailed representation before the Registrar (Establishment), Patna High Court on 23.05.2018, with a request to allow them to give option, since they are suffering financial loss. The representation of the petitioners was forwarded by the Registrar (Establishment), Patna High Court to the Law Department for necessary action. However, vide Letter no. 8615 dated 12.10.2018 issued under the signature of the Secretary to the Government, Law Department, Government of Bihar, Patna, the representation filed by the petitioners was rejected.

7. The learned senior counsel for the petitioners further submits that vide letter no. 4-13/17-IC/E-IIIA dated 12.12.2018 issued under the signature of the Director, Department of Expenditure, Ministry of Finance, Government of India, it has been clarified that in view of Rule 6(4) of the CCS (RP) Rules, 2016, it has been provided that option once exercised shall be final, but in view of the request made by the



employees to give another opportunity to re-exercise their option. In view of certain hardships caused to the certain employees, the matter was considered and the President has decided that in relaxation of the stipulation contained in Rule 6(4) of the CCS (RP) Rules, 2016, the Central Government employees, who have already exercised their options to come over to the revised pay structure as notified by CCS (RP), 2016 shall be permitted another opportunity to revise their initial options in terms of Rules 5 & 6 thereof. The revised option shall be exercised within a period of three months from the date of issuance of these orders. The option once exercised in terms of these orders shall be final and shall not be liable to any further change under any circumstances.

8. Learned senior counsel for the petitioners further submits that in view of letter dated 12.12.2018 of the Central Government, the options were exercised by the employees of the Central Government and they were provided with the said benefits in terms of the letter dated 12.12.2018, therefore, the petitioners may be allowed to said benefit for exercising their option afresh in view of letter dated 12.12.2018 of the Central Government.

9. Per contra, the learned counsel for the State



respondents submits that the State Government has already taken a decision to not permit any of the employees to exercise second option and in case of the employees of this Court, the same has been communicated vide letter no. 3064 dated 06.04.2018, therefore there is no question of giving the benefit of exercising the option again. The petitioners were given liberty to exercise their options, which they availed and now there is no provision to give any relaxation to any of the employees.

10. The learned counsel for the respondent no. 3 submits that the Registrar General of this Court has already requested the State Government and recommended the case of the petitioners vide his letter dated 21.02.2018, but the State Government has refused to do so the same.

11. After having heard the learned counsel for the parties and after going through the documents available on record, this Court finds that the letter no. 8891/F dated 14.11.2017 was issued, clarifying certain conditions and prior to that the options were already exercised by the employees before 31.07.2017, therefore the employees were not provided an opportunity in terms of clarification issued by the Department in letter dated 14.11.2017. Further, the Central Government vide



letter dated 12.12.2018 relaxed the said provision of exercising option for its employees for a period of three months and in terms thereof, the employees of the Central Government exercised their option and were accorded the benefits accordingly.

12. In view thereof, the letter no. 3064 dated 06.04.2018 issued under the signature of the Special Secretary to the Government, Department of Law, Government of Bihar, Patna is hereby set aside. The respondent-State is directed to consider the matter afresh in terms of the relaxation given by the Central Government vide letter dated 12.12.2018. The respondent authorities shall consider the matter afresh in terms of Clause-3 of the letter dated 12.12.2018 of the Central Government and then proceed to take the decision. The decision must be taken within eight weeks from the date of receipt/production of a copy of the order.

13. It is expected that the State Government will take into consideration the letter dated 12.12.2018 of the Central Government by which one time relaxation was given to the employees of the Central Government and then pass appropriate order, since the Central Government has also granted benefit to its employees, which is being asked for by the petitioners, vide



letter dated 12.12.2018.

14. The writ petition is disposed of in the
aforementioned terms.

(Ritesh Kumar, J)

AjayMishra/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	16.03.2026
Transmission Date	NA

