

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9233 of 2024

1. Shila Nand Yadav S/o Sita Ram Yadav, R/O Village - Sonbehat, P.O.- Shiv Nagar, P.S.- Biraoul, District - Darbhanga. Presently working as Upper Division Clerk in Block Development Office, Kusheshwar Sthan, Darbhangaga.
2. Jayant Kumar Jha, S/o Late Gajendra Narayan Jha, R/O - Badri Narayan Road, Subhankarpur, P.S.- Town Thana, District- Darbhanga, Presently posted as Upper Division Clerk in District - Panchayat Raj Office, Darbhanga.
3. Binod Yadav, S/o Rameshwar Yadav, R/O Village - Dilawarpur, P.O.- Milki Chak, P.S.- Bahadurpur Via Laxminagar, District - Darbhanga, Presently Posted as Upper Division Clerk in Anchal Office Hayaghat, Presently Posted on Deputation in District Election Office - Darbhanga.
4. Bindeshwar Paswan, S/o Late Supari Paswan, R/o Village - Ghanshyampur, P.S.- Ghanshyampur, District - Darbhanga, Presently Posted as Upper Division Clerk in District Nazarat Office, Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through The Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The District Magistrate, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gyan Shankar, Advocate
For the Respondent/s : Mr. Government Advocate 13

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-02-2026 Heard learned counsel for the petitioners and learned
counsel for the State.

2. Learned counsel for the petitioners submits that the
issue involved in the present case has been decided by the
Hon'ble Full Bench of this Court in the case of *Ravi Shankar
Kumar vs. The State of Bihar, through the Chief Secretary &*



Ors., along with other analogous cases, reported in **2025 SCC Online Pat 2627**, whose paragraph Nos. 82 and 83 state as follows:-

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 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 Chakerwarty (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 Chakerwarty 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 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/-.

3. In this view of the matter, for the purpose of relief, a cut-off date has been fixed for those who were appointed after 20.12.2000 and those who were appointed up to 20.12.2000.



4. Counsel for the petitioner further submits that a S.L.P. (C) No. 38217 of 2025 preferred by other similarly situated person.

5. However, learned counsel for the State submits that the issue involved in the present case has already been decided by the Hon'ble Full Bench of this Court in case of *Ravi Shankar Kumar (Supra)*, according to which, the petitioners have no entitlement at present. But, in case, the S.L.P. (C) No. 38217 of 2025 preferred by other similarly situated person is decided in their favour, then the petitioners shall also be entitled for the same.

6. In this background, the present writ petition is hereby disposed off granting liberty to the petitioners that in case, the above named S.L.P. (C) No. 38217 of 2025 decided in favour of other similarly situated person, then the petitioners by way of filing an application shall revive this writ petition.

(Dr. Anshuman, J.)

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