

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9360 of 2024

1. Arbind Kumar S/o- Ram Naresh Prasad, R/o Village Prahlad Chak, P.O. and P.S.- Parsa, District-Patna.
2. Pappu Kumar, S/o- Bhagirath Prasad, R/o village- Sultanpur, Dahabigha, P.O. and P.S.- Hilsa, District- Nalanda.
3. Sanjay Kumar Suman S/o- Late Jitu Lal, R/o Mohalla- New Bishunpur Pakari, near Gas Godam, Yadav Path, P.O. and P.S.- Anisabad, District- Patna.
4. Shailendra Kumar Jha, S/o- Rajendra Jha, R/o Mohalla - Priyadarshni Nagar, Dhobia Kothi, P.O. and P.S.- Tilkamanjhi, Bahadurpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Finance Secretary, Finance Department, Govt. of Bihar, Patna.
2. The Principal Secretary, P.H.E.D., Bihar, Patna, Visheshwaraiya Bhawan, Bailey Road, Patna.
3. The Engineer-in-Chief-cum-Special Secretary, P.H.E.D. Bihar, Patna, Visheshwaraiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, P.H. Engineering Circle, Patna.
5. The Superintending Engineer P.H.E. Circle, Bhagalpur.
6. The Executive Engineer, P.H. Division, Hilsa.
7. The Executive Engineer, P.H. Division, Biharsarif.
8. The Executive Engineer, P.H. Division, Patna west, Patna.
9. The Executive Engineer, P.H. Division, Bhagalpur East, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amit Anand, Advocate
For the State	:	Mr. Sitaram Yadav (GP-16)
		Mr. Yatindra Narayan (AC to GP-16)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioners and learned
counsel for the State.

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



“I. For issuance of an appropriate writ or writs, direction or directions commanding the respondents to consider and grant of similar pay scale of Rs. 6500-10500 (P.B.-2+4800) in 1st ACP and Rs. 10000-15200 (Pay Band-3 + 6600) in 2nd ACP in the light of the judicial order passed in CWJC No. 18433 of 2016 and analogous cases, which has been affirmed by the Hon’ble Apex Court on 25.04.2023 as well as the clause 4.C(1) of the Bihar State Litigation Policy, 2011 under Chapter-IV and the said pay scale has been granted to the similarly situated persons by Resolution of the Finance Department, Bihar bearing Memo No. 163 dated 08.01.2016.

II. For commanding the respondents to consider and grant the same pay scale, which has been granted to the similarly situated persons by its Memo No. 163 dated 08.01.2016 and Memo No. 2162 dated 28.02.2024, in view of the clause 4.C(1) of the Bihar State Litigation Policy, 2011.

III. For commanding the respondents to revised the pay scale accordingly and grant all consequential benefit with retiral benefits.

IV. Any other relief or reliefs may be granted to the petitioners as they are found legally entitled to in the facts and circumstances of the case.”



3. Learned counsel for the petitioners submit that the petitioners have filed their representations (Annexure-P/5 series) and the same are still pending before the executive engineer.

4. Learned counsel for the State, on the other hand, submits that this writ petition be dismissed as, during the argument, counsel for the petitioners submit that the Principal Secretary, PHED, Bihar, Patna is the competent authority to decide the matter with regard to the petitioners, but the petitioners have not filed their representation before the Principal Secretary, PHED, Bihar, Patna, rather, filed before the Executive Engineer.

5. In the light of the submissions made that claim of the petitioners is completely based on the judgment passed by this Hon'ble Court in case of Shashi Shekhar Ambastha & Ors. Vs. The State of Bihar & Ors. in C.W.J.C. No. 18433 of 2016 with other analogous cases as well as in the light of the Resolution of the Finance Department, Bihar contained in Memo No. 163 dated 08.01.2016 as claimed by the petitioners, it is therefore, hereby directed to the petitioners to file their fresh representation along with a copy of this order before the Principal Secretary, PHED, Bihar, Patna (Respondent no.2) who shall pass a reasoned and speaking order on their fresh



representation in light of Clause 4.C of the Bihar State Litigation Policy, 2011 considering the merit or demerit of the petitioners’ claim, within 90 days from the date of receiving the petitioners’ representation.

6. Accordingly, with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

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