

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1351 of 2021

Dr. Shiv Kumar Mishra resident of village and Post Satghara P.s.- babu Barhi,
District- Madhubani at present residing at H/o Doman Roy North Mandiri,
P.s.- Budha Colony, District- patna-1

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Art Culture and Youth Department, Govt. of Bihar, Patna
 2. The Principal Secretary, Finance Department, Govt. of Bihar, patna
 3. The Dy. Secretary, Art Culture and Youth Department, Govt.of Bihar, Patna
- Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Karn, Adv.
For the Respondent/s : Mr. Rakesh Prabhakar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 16-07-2026

Heard Mr. Sunil Kumar Karn, learned Advocate for the petitioner and Mr. Rakesh Prabhakar, learned Advocate for the State.

2. The petitioner has approached this Court seeking a direction upon the concerned respondents to extend and fix his pay scale in grade pay of Rs. 4600/- in accordance with the 6th Pay Commission as provided for the Technical Assistant/ Gallery Assistant/ Research Assistant and equivalent post in the Museum Directorate art culture and Youth Department, Government of Bihar, Patna, corresponding to pay scale of Rs. 5500-9000 as per 5th Pay Commission, who at the time of filing the writ petition, was working as Research Assistant in the Patna Museum and getting pay band of Rs. 4200/-.

3. The entire case of the petitioner is based upon the



Resolution dated 03.11.2011 as well as the Letter dated 08.06.2015 contained in Memo No. 5003 issued by the Government of Bihar in the Department of Finance. It is contended that identically situated persons, who are holding identical post, in their cases the State and its authorities have extended the grade pay of Rs. 4600/-, but discrimination has been caused.

4. Learned Advocate for the State while clarifying the position, referring to Clause 4 (घ) of Resolution dated 03.11.2011, the copy of which is marked as Annexure-3 to the writ petition submitted that with regard to post on which the petitioner had been discharging his duty, neither its been recommended for extending the benefit of grade pay of Rs. 4600/- nor the petitioner holding the post of Assistant Secretary / Personal Assistant, therefore, the petitioner is not entitled to get the grade pay as has been claimed in the writ petition. It is further contended that bare reading of the aforesaid provision, it is evident that, in case, any basic post of a cadre has been assigned the pay scale of Rs.5500-9000, in such circumstances, after revision of the pay scale the occupant of that post shall be entitled to get PB-2/ grade pay / 4200, unless the stipulation referred in clause 4 (घ) is satisfied.



5. Learned Advocate for the petitioner faced with such position submits at the Bar that he may be extended the liberty to approach before the competent authority for consideration of his grievance and/or he may be allowed to place his case before a competent committee for recommendation of the similar pay scale as has been extended in the case of other identically situated person.

6. Having considered the submissions advanced by learned Advocate for the respective parties, this Court without making any observation on the merit of the case extends the liberty to the petitioner to approach before the competent authority/committee for redressal of his grievance.

7. Accordingly, the present writ petition stands disposed off.

8. Suffice it to observe that if the petitioner files an appropriate representation along with necessary documents before respondent no. 2, the same shall be considered and disposed off in accordance with law.

(Harish Kumar, J)

sumit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.2026
Transmission Date	NA

