



2026:PATHC:49784

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9295 of 2022**

1. Birendra Kumar Binay Son of Khushendra Prasad Yadav, resident C/o Sarita Sadan, Ashiyana Digha Road, Behind Professor Colony, Yaduvanshi Nagar, Digha, P.O. and P.S. - Digha, District- Patna, Bihar- 800011.
2. Rajendra Prasad, Son of Hare Krishna Ram, Bajrangpuri Gaighat, Dhanuki, P.S.- Alamganj, District- Patna, Bihar - 800007.
3. Md. Abu Ejaz Asghar, Son of Md. Ali Ahmad, resident of Road No. 12, New Karimganj, P.S. - Civil Line Gaya, District- Gaya, Bihar - 823001.
4. Srikant Tiwari, Son of Jagdish Tiwari, resident of Village and P.O.- Kulharia, P.S. - Parbatta, Kulharia, District - Khagaria, Bihar - 851216.
5. Md. Nasar Ahmad, Son of Md. Nazam Uddin, resident of Chainpur, P.S. - Mahalgaon, District- Araria, Bihar- 854325.
6. Mohammad Iftekhhar, Son of Md. Suleman Ansari, resident of Barun, Khemdra, P.S. - Barun, District - Aurangabad, Bihar - 824112.
7. Ramchandra Prasad Son of Ganga Prasad, resident of Ward No. 2, Takiya, Takia Bazar, P.S.- Sasaram, District- Rohtas, Bihar - 821113.
8. Hemant Kumar, Son of Basant Prasad, resident of Lakhibag, Near Sudha Talkig, Manpur, P.S.- Mufassil, District - Gaya, Bihar - 823003.
9. Pankaj Kumar, son of Krishnaballabh Prasad Yadav, resident of B- 303, Sanjana Sharswatam Apartment, Ara Garden Road, Jagdeopah, Rukanpura, P.S. - Rupaspur, District- Patna, Bihar - 800014.
10. Kiran Kumari, Son of Ajay Pratap Singh, resident of Mohalla- Gopalganj (Gaurakshni), P.S. - Sasaram, District- Rohtas, Bihar - 821115.
11. Nand Kumar Jha, Son of Mahadev Jha, resident of Alpura, Tajpur, P.S. - Rudrapur, District - Madhubani, Bihar - 847109.
12. Pradeep Kumar, Son of Kishori Yadav, resident of Flat no. - 105, Saryug Vihar Apartment, Gosain Tola, Patliputra Colony, Boring Road, P.S.- Patlipura, District- Patna, Bihar - 800013.
13. Prakash Prasad Yadav, Son of Baldev Yadav, resident of Prathmik Vidyalay, Fatehpur, Lohan, P.S.- Ariyari, District- Sheikhpura, Bihar - 811304.
14. Binoy Kumar Varma, Son of Bhramdeo Singh, resident of Jahanpur, Pabhera, P.S.- Dhanrua, District- Patna, Bihar- 804451.
15. Umesh Kumar, Son of Munilal Nonia, resident of Dandari, P.O.- Behrari, P.S. - Singheshwar, District- Madhepura, Bihar- 852126.
16. Ram Bahadur Yadav, son of Saryug Yadav, resident of Panditpur, P.S. - Rajgir, District- Nalanda, Bihar - 803116.
17. Vijay Kumar, Son of Jageshwar Prasad, resident of Barara, P.S.- Noorsarai, District- Nalanda, Bihar - 803118.
18. Ganesh Prasad Yadav, Son of Ram Sevak Ray, resident of Dighi Kalan, Dighi Kala, P.S. - Sadar Hajipur, District- Vaishali, Bihar - 844102.
19. Ravindra Kumar, Son of Late Ramashray Singh, resident of Usari, Usari Dih, Usari Arwal, P.S.- Mehendiya, District- Arwal, Bihar- 804428.





20. Brij Kishor Prasad, Son of Tepeshwar Ram, resident of Village- Shankarpur, P.S.- Nabinagar, District - Aurangabad, Bihar- 824301.
21. Kiran Kumari, Wife of Anil Kumar Verma, resident of C- 12, Ajanta Colony, Keshri Nagar, P.S. - Patliputra, District- Patna, Bihar - 800024.
22. Kamakhya Naran Singh, Son of Ramraj Singh, resident of Chhitupur, Nagar Colony, Varanasi, Hindu Vishwa Vidhyalaya, Varanasi, P.S. Lanka, District -Uttar Pradesh - 221005.
23. Bansidhar Ram, Son of Lallu Ram, resident of Kasap , P.S.- Udwantnagar, District - Bhojpur, Bihar - 802206.
24. Md. Naiyer Alam, Son of Md. Younus Hussain Hakim, Ward No. 2, Prabhag- 3, Dharampur, P.S. - Town Thana Samastipur, District - Samastipur, Bihar - 848101.
25. Shashi Kiran Kumari, Wife of Dilip Kumar, resident of Khajuarbanna, Near Shanti Bhawan, Sampatchak, P.S.- Sultanganj, District- Patna, Bihar - 800006.
26. Vinay Kumar, Son of Bal Kishor Yadav, resident of Village- Vishhariya, P.O. - Anandpura, P.S.- Uda Kishunganj, District- Madhepura, Bihar - 852113.
27. Raj Deo Pal, Son of Dashrath Pal, resident of Village P.O. and P.S.- Darihat, District- Rohtas, Bihar - 821306.
28. Ram Jee Singh, Son of Ram Janam Singh, resident of Masauna, P.S. - Sanjhauli, District - Rohtas, Bihar - 802220.
29. Pankaj Kumar, Son of Ram Bihari Chaudhary, resident of 130, Uttri Nehru Nagar, Boring Road, P.O. and P.S.- Patliputra, District - Patna, Bihar - 800013.
30. Suresh Paswan Son of Bdh Narayan Paswan, resident of Zero Mile, Bahadurpur, Jharkhuria, P.S. - Bahadurpur, District - Bhagalpur, Bihar - 813210.
31. Rama Nath Jha, Son of Baidya Nath Jha, resident of Shivpuri, Lane No. 1, Damu Chak, Bhagwanpur, P.S. - Kaji Muhammandpur, District -Muzaffarpur, Bihar - 842001.
32. Md. Siddique Ansari, Son of Abdul Sakur Ansari, resident of Khutahan, Khutha, P.S. - Haspura, District- Aurangabad, Bihar - 824120.
33. Jameel Ahmad, Son of Md. Sulaiman Ansari, resident of Temuhan Fateh, P.S. - Mansoor Chak, District- Begusarai, Bihar - 851111.
34. Vimal Kumar, Son of Ganga Prasad Mandal, resident of Ward No. 08, Na, Kanharpatti, Kauaha, Pahari, P.S. - Harlakhi, District- Madhubani, Bihar - 847230.
35. Rajkishore Kumar, Son of Bansi Mahto, resident of Gayatrinagar, Bhawanpur, P.S.- Sadar Bhagwanpur, District- Muzaffarpur, Bihar - 842001.
36. Jagtendra Prasad Singh, Son of Rajmohan Singh, resident of Katiaya, Piprahi, P.S. - Purnahiya, District- Sheohar, Bihar - 843334.
37. Mahendra Kapoor Gupta, Son of Late Deonandan Ram, resident of Jay Prakash Nagar, Gewal Bigha, Ward no. 3, P.O. - Gaya, P.S.- Civil Line Gaya, District- Gaya, Bihar- 823001.





38. Shailesh Kumar Son of Basudeo Singh, resident of Naya Chak, P.S.- Ramkrishna Nagar, District- Patna, Bihar - 800016.
39. Asghar Kamal, son of Emad Uddin, resident of Singhari, Kishanganj, P.S.- Kochadhaman, District - Kishanganj, Bihar - 855115.
40. Arvind Kumar, Son of Surendra Prasad Singh, resident of Tikulipur, Srikrishnapuri, P.S. - Biharsharif, District- Nalanda, Bihar - 803101.
41. Rajeev Ranjan, Son of Jagdish Prasad, resident of Narayan Niketan, Road No. 13, Near Narayan Bihar Apartment, Rajendra Nagar, P.O.- Rajendra Nagar, P.S. - Bahadurpur, District - Patna, Bihar - 800016.
42. Md. Aslam Nazri, son of Hamid Asgar Nazri, resident of Village- Sahsauli, P.O. and P.S. - Aurai, District - Muzaffarpur, Bihar - 843312.
43. Md. Faiyaz Alam, Son of Md. Zahiruddin, resident of 87/2, Sector - B, New Ambedkar Colony, Dhanuki, P.O. - Gulzarbagh, P.S.- Alamganj, Patna City, District- Patna, Bihar - 800007.
44. Subodh Kumar, Son of Rameshwar Prasad Singh, resident of Village, P.O. and P.S. - Nawagarhi, District- Munger, Bihar - 811211.
45. Anil Kumar Yadav, son of Dharmdev Ray, resident of Akhara Road, Yadhubanshi Nagar Digha, Danapur cum Khagaul, Patna, P.O. and P.S.- Digha, District - Patna, Bihar - 800011.
46. Sudhir Prasad, Son of Gowardhan Prasad, resident of Village and P.O.- Machhaldiha, P.S. and District- Nalanda, Bihar - 803111.
47. Bipin Kumar, Son of Bholeshwar Prasad Yadav, resident of Ward No -09, Azad Nazar, P.O., P.S. and District- Madhepura, Bihar- 852113.
48. Mukesh Kumar Bhagat, Son of Kashinath Bhagat, resident of Brahmsthan, P.S.- Mehndiganj, P.O.- Patna City, District- Patna, Bihar- 800008.
49. Vijay Kumar Singh, Son of Ramchandra Singh, resident of Rampur, Dihuri, P.S. - Goh, District- Aurangabad, Bihar - 824129.
50. Jagnarayan Ram, Son of Dharam Dayal Ram, resident of Village- Jamunipur, P.S. - Piro, Sahejani, District - Bhojpur, Bihar- 802204.
51. S.M. Badre Samri, Son of S.M. Nurul Haque, resident of Chowchandi, P.S.- Sasaram, District- Rohtas, Bihar - 821115.
52. Ashok Kumar, Son of Kamal Kishor Yadav, resident of Village and P.O. - Narayanpur, P.S. - Nauhatta, District - Saharsa, Bihar - 852216.
53. Manoj Kumar Singh, Son of Surendra Nath Singh, resident of Uma Nagar, Chanwa Ara, P.S. - Nawada, District- Bhojpur at Ara, Bihar - 802301.
54. Nimal Kumar, Son of Ram Dhani Singh, resident of Village- Oraphkhurd, P.O.- Baswonkloan, Nawanganar, P.S. - Sikraul (Lakh), District- Buxar, Bihar- 802129.
55. Uday Narayan Singh, Son of Jagdish Singh, resident of Village - Tendua, P.O. and P.S.- Darigaon, District- Rohtas, Bihar - 821113.
56. Indu Kumari, Wife of Birendra Kumar, resident of Babuaganj, Gaighat, In front of Govt. Middle School, Babuaganj, P.S.- Alamganj, District- Patna, Bihar - 800007.
57. Arvind Kumar Singh, Son of Bhattu Singh, resident of Flat No. 205A,





- Laakhi Mansion, Road No. 4, Indira Nagar Bank Colony, P.S.- Jakkanpur, District- Patna, Bihar - 800001.
58. Baijnath Prasad Singh, Son of Mangal Singh, resident of Village-Kharaundha, P.O. - Chandragadh, P.S.- Navinagar, District- Aurangabad, Bihar- 824301.
59. Gautam Kumar, son of Kiran Singh, resident of Patel Nagar Colony, Bhagwanpur, P.S. - Lanka, Ramna, Varanasi, District- Uttar Pradesh - 221011.
60. Lalan Thakur, Sonof Ram Nageena Thakur, resident of Salimpur Ahra, Hazam Toli, Phulwari, P.S. - Gandhi Maidan, District- Patna, Bihar- 800003.
61. Rangnath Sinha, Son of Bijendra Prasad Sinha, resident of Village-Abharanchak, P.O. - Amarpura, P.S.- Naubatpur, District- Patna, Bihar - 801109.
62. Anand Mohan, son of Tulsi Prasad, resident of 769, Maranpur, Braham Asthan, Gaya, P.S. - Vishnupad Gaya, District- Gaya, Bihar- 823001.
63. Ajay Kumar Paswan, Son of Ramcharitra Paswan, resident of Dhrubniti Colony, Basudeopur, Bariarpur, P.O.- Jamalpur, P.S. - Gogri, District- Munger, Bihar - 811202.
64. Vinod Kumar, Son of Tejnarayan Yadav, resident of 08, Urdu Bazar, Near Hanuman Mandir, Jagdishpur, P.S.- Kishunganj, District- Bhagalpur, Bihar - 812002.
65. Devendra Kumar Vishwakarma, Son of Surendra Nath Vishwakarma, resident of Sheikhpura Bagicha, Ward No. 5, Rukanpura, P.S. - Shashtrinagar, District - Patna, Bihar - 800014.
66. Kanchan Kumar Kunj, son of Dev Narayan Yadav, resident of Ward No. 20, Nagar Parishad, P.S. and District - Madhepura, Bihar - 852113.
67. Arun Kumar, son of Baidyanath Prasad Yadav, resident of Ward no. 16, Parmanpur, Bhatarnaha, P.S. - Ghailadh, District- Madhepura, Bihar - 852124.
68. Rajeev Kumar Ranjan, son of Saryug Sah, resident of Pariharpur, Khajuri, Ward No. 11, Khajuri, P.S. - Saur Bazar, District- Saharsa, Bihar - 852221.
69. Rajesh Kumar, son of Surya Narayan Yadav, resident of Rajhat, Ward No. 16, P.S. - Banmankhi, District- Purnea, Bihar - 854202.
70. Suryadev Narain, Son of Satyanarayan Mehta, resident of Ward No. 01, Andouli, Panchayat - Nado, Via Saharsa Kachari, Bakhri, P.S. - Sour Bazar, District- Saharsa, Bihar - 852202.
71. Yugeshwar Ram, son of Shukal Ram, resident of Kali Prasad Tola, Madhubani, P.S. - Khajachi Hatt, District- Purnea, Bihar - 854301.
72. Md. Mamoor Reza, son of Md. Ismail, resident of Ward No. 15, Line Masjid Road, Kishanganj Bazar, P.S.- Kadwa, District- Katihar, Bihar - 855108.
73. Neelam Kumari, Wife of Rameshwar Prasad, resident of Ward No. - 04, Near Block Godown, Krishnapuri, P.S. and District- Madhepura, Bihar- 852113.
74. Manoj Kumar Das, son of Sushanta Kumar Das, resident of 7, Ward No. 02, Kamra, Katihar, P.S. - Balrampur, District- Katihar, Bihar - 854317.





75. Surendra Kumar Paswan, Son of Bipat Lal Paswan, resident of 403, Niharika Apartment, Sheikhpura, Patna, B.V. College, P.S.- Shastrinagar, District- Patna, Bihar- 800014.
76. Pankaj Kumar Ray, Son of Brinda Kishor Ray, resident of Raghobpur Jolaha Toli, Kalyanpur Basti, P.S.- Mohiuddinagar, District - Samastipur, Bihar - 848502.
77. Bindeshwar Prasad Singh, son of Ramchandra Singh, resident of Geetanjali Bhawan, Ashok Nagar Road No. 8, Ramlakhan Path, Kankarbagh, Sampatchak, P.S.- Kankarbagh, District- Patna, Bihar - 800020.
78. Ajit Kumar Ranjan, Son of Dwarka Prasad, resident of Village and P.O.- Punha, P.S. - Rahui Punha, District - Nalanda, Bihar - 803119.
79. Gopal Choudhary, Son of Ramchandra Prasad Choudhary, resident of Ward No. 01, Mahajan Tola, Girl High School, Gali Sultanganj, Village and P.O. and P.S. - Sultanganj, District- Bhagalpur, Bihar - 813213.
80. Naeem Akhtar, Son of Manzoor Alam, resident of Mirza Village, Shivpur Lane, Shahganj, P.S. - Sultanganj, District- Patna, Bihar - 800006.
81. Bhupendra Prasad Yadav, Son of Prayag Yadav, resident of Chikni, Ward no. 09, Saraigadh, P.S. - Kishanpur, District- Supaul, Bihar - 852105.
82. Baidya Nath Yadav, Son of Tholai Yadav, resident of Bhelwa, Harari, P.S.- Ghoghardiha, District- Madhubani, Bihar - 847402.
83. Sant Gyan Swarup Sahab, Son of Ganesh Das, resident of Jaymangal Tola, P.O. - Sahu Parbatta, P.S. - Islampur, Parbatta, District - Bhagalpur, Bihar - 853204.
84. Khagesh Jha, Son of Rajeshwar Jha, resident of Gautam Nagar, Gangjala, Ward no. 15, P.S. and District- Saharsa, Bihar - 852201.
85. Krishan Mohan Yadav, son of Udan Yadav, resident of Village and P.O. - Kachouri, P.S. - Sherghati, District- Gaya, Bihar - 824211.
86. Radhe Shyam Sharma, son of Rajnandan Sharma, resident of Usridih, Usri, Arwal, P.S.- Mehndia, District - Arwal, Bihar- 804428.
87. Krishna Paswan, son of Ram Sundar Paswan, resident of Gorakhari, P.S. - Vikram, District- Patna, Bihar - 801104.
88. Baboo Ram Das, Son of Baudh Das, resident of Village- Ankorha, P.O. - Gaini, P.S. - Khudwan, District - Aurangabad, Bihar - 824113.
89. Ram Deo Ram, Son of Bhagelu Ram, resident of Patahi, Mahammadpur Khaje, P.S. - Sadar, District - Muzaffarpur, Bihar - 843113.
90. Ram Lochan Prasad Yadav, son of Jay Krishna Yadav, resident of Radha Krishna Nagar, Ward No. 15, P.S.- Sadar, District- Saharsa, Bihar - 852201.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, SC and ST Welfare Department, Government of Bihar.
3. The Joint Secretary, SC and ST Welfare Department, Government of Bihar.
4. The Director, SC and ST Welfare Department, Government of Bihar.





5. The Additional Chief Secretary, Finance Department, Government of Bihar.
6. The District Welfare Officer, Patna.
7. The District Welfare Officer, Sasaram (Rohtas).
8. The District Welfare Officer, Kaimur, Bhabhua.
9. The District Welfare Officer, Aurangabad.
10. The District Welfare Officer, Gaya.
11. The District Welfare Officer, Arwal.
12. The District Welfare Officer, Nawada.
13. The District Welfare Officer, Nalanda.
14. The District Welfare Officer, Jamui.
15. The District Welfare Officer, Munger.
16. The District Welfare Officer, Bhagalpur.
17. The District Welfare Officer, Purnea.
18. The District Welfare Officer, Katihar.
19. The District Welfare Officer, Madhepura.
20. The District Welfare Officer, Saharsa.
21. The District Welfare Officer, Samastipur.
22. The District Welfare Officer, Lakhisarai.
23. The District Welfare Officer, Darbhanga.
24. The District Welfare Officer, Madhubani.
25. The District Welfare Officer, Muzaffarpur.
26. The District Welfare Officer, East Champaran.
27. The District Welfare Officer, West Champaran.
28. The District Welfare Officer, Gopalganj.
29. The District Welfare Officer, Sheohar.
30. The District Welfare Officer, Vaishali, Hajipur.
31. The District Welfare Officer, Begusarai.
32. Principal Accountant General (A and E), Patna.

... Respondent/s

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**Appearance :**

|                      |   |                                                            |
|----------------------|---|------------------------------------------------------------|
| For the Petitioner/s | : | Mr.Y.V. Giri, Senior Advocate<br>Mr.Pranav Kumar, Advocate |
| For the Respondent/s | : | Mrs. Kumari Amrita, GP-3                                   |

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**CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR**  
**ORAL JUDGMENT**

**Date : 07-05-2026**

Heard Mr.Y.V. Giri, learned Senior counsel for the





petitioners and the learned counsel appearing on behalf of the State.

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

“(i) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of Certiorari for quashing part of the order bearing memo no. 1856 dated 19.05.2022 issued under the signature of Director, SC & ST Welfare Department, whereunder despite confirming the grant of the grade pay of 6600 Pay Band-3 (PB-3) under entry pay level 11, the actual benefits granted in terms of order no. 2069 dated 23.08.2018 under level 11 C-4 have been withdrawn and order of recovery has been issued against the petitioners (Annexure-1).

(ii) To declare and hold that the petitioners have been rightly allowed the PB-3 under grade pay 6600 under Pay level 11 C-4 by the SC & ST Welfare Department under the order dated 23.08.2018 of the Director after obtaining the approval from the Finance Department.

(iii) To issue an appropriate writ/order/direction in the nature of Mandamus directing the Respondent authorities not to proceed with the recovery against the petitioners in light of the order bearing memo no. 1856 dated 19.05.2022.





(iv) To issue an appropriate writ/order/direction in the nature of Mandamus directing the Respondent not to give effect to the order dated 19.05.2022 and to continue to pay the salary to the petitioners without any deduction in consonance with order dated 23.08.2018.”

3. During the course of argument, the learned Senior counsel for the petitioners submits that no notice whatsoever has been given to the petitioners before passing the impugned order contained in Memo no. 1856 dated 19.05.2022 and on the basis of the said order, the recovery has been directed to be made from the petitioners and other similarly situated employees and their pay has been fixed in the lower side. He further submits that vide order dated 28.07.2022 passed in the writ petition while directing the respondents to file their counter affidavit, the recovery was stayed. The learned Senior counsel for the petitioner further submits that during pendency of the writ petition vide Memo no. 1727 dated 03.05.2023 issued under the signature of Director, Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar, Patna it has been mentioned that vide order dated 28.07.2022, the Hon’ble Court has only stayed the order of recovery and has not stayed the Memo no. 1856 dated 19.05.2022. Accordingly, he directed for





proceeding afresh in the matter, however no decision has been taken till date.

4. The learned counsel for the respondent-State submits that no recovery has been made. However, the representation of the petitioners have been considered and rejected by the Department. He does not dispute the contention of the learned Senior counsel for the petitioners that prior to issuance of Annexure-2 to the writ petition i.e. Memo no. 1856 dated 19.05.2022, issued under the signature of the Director, Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar, Patna, no opportunity of hearing or show-cause notice was provided to the petitioners.

5. Considering the rival submissions and materials available on record, this Court is of the opinion that the Memo No. 1856 dated 19.05.2022 and Memo No. 1727 dated 03.05.2023 both issued under the signature of the Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar, Patna, has been issued without giving any show-cause or opportunity of hearing to the petitioners, which is in violation of principles of Natural Justice. Accordingly, Memo No. 1856 dated 19.05.2022 and Memo No. 1727 dated 03.05.2023, are hereby quashed and set aside.





6. The matter is remitted back to the respondent authorities to take fresh decision regarding the fixation of the pay of the petitioners, after issuance of show-cause notices to all the petitioners herein. The respondent authorities shall afford the petitioners an opportunity of personal hearing and thereafter pass a reasoned and speaking order, in accordance with law, within a period of four months from the date of receipt/production of a copy of this order.

7. Till a fresh decision is taken in the matter, no recovery shall be effected from the petitioners.

8. The writ petition is accordingly disposed of in the aforementioned terms.

9. Pending application(s), if any, shall also stand disposed of.

**(Ritesh Kumar, J)**

vinita/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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