

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10924 of 2008

- =====
1. Dalchand Mishra , son of Shri Dhunmum Mishra, resident of village- Naya Bhojpur, Police Station Dumraon, District Buxar
 2. Shatrughan Prasad Singh, son of Shri Saryu Singh, resident of village- Barah, Police Station- Bikram, District Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home (Jail) Department, Government of Bihar, Main Secretariat, Patna
2. The Inspector General (Prison), Home (Jail) Department, Government of Bihar, Main Secretariat, Patna
3. Director, Administration (Prison), Government of Bihar, Main Secretariat, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shivendra Kishore, Sr. Advocate
Mr Jai Kishore Poddar

For the Respondent/s : Mr. Vishwambhar Prasad, AC to AAG 9

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 13-08-2015

IA No.3609 of 2015 is allowed.

Writ was filed by the petitioners initially for a direction to treat their date of initial appointment on the post of a Dresser instead of the date of issuance of notification contained in Annexure- 10 and especially paragraph 12, which has made these petitioners as a fresh appointee.

The Court is not required to go into the details of the dispute and the background thereto in view of the fact that yet another employee, who came to be appointed in similar fashion by virtue of Annexure- 10, had approached the High Court in CWJC No.1834 of

2009. A copy of the order dated 5.7.2011 passed in the said writ application is Annexure- 13 to the IA.

The rational and reasoning provided by the learned Single Judge which was made available to the petitioner of that writ application, namely, Md. Shahabuddin Ansari, has to be extended to the two petitioners in identical terms. Therefore, the order purporting to appoint the petitioners afresh and to take effect prospectively stands quashed. Matter is remanded back to the IG, Prisons with a direction that he shall pass a fresh order keeping in light the ratio and the direction issued in the case of Md. Shahabuddin Ansari.

Writ is allowed.

(Ajay Kumar Tripathi, J)

sk

U			
---	--	--	--