

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10562 of 2008

Rajesh Kumar Sinha, Son of Sri Janardhan Prasad Sinha, resident of Village- Gidha, P.S.- Koilwar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Secondary Education Human Resources Development Department, Bihar, Patna.
2. Additional Commissioner-cum-Secretary, Human Resources Development Department, Bihar, Patna.
3. Director, Secondary Education Human Resources Development Department, Bihar, Patna.
4. Regional Deputy Director of Education, Saran Division, Chapra.
5. District Superintendent of Education, Gopalganj.

.... Respondent/s

with

Civil Writ Jurisdiction Case No.10719 of 2008

Surendra Singh, son of late Baleshwar Singh, resident of Village- Poswan, P.S- Agiaon, Disutrick- Bhojpur, presently residing at mohalla- Ramlila Mathia, P.O. and P.S.- Town and District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Secondary Education Human Resources Development Department, Bihar, Patna.
2. Additional Commissioner-cum-Secretary, Human Resources Development Department, Bihar, Patna.
3. Director, Secondary Education Human Resources Development Department, Bihar, Patna.
4. Regional Deputy Director of Education, Saran Division, Chapra.
5. District Education Officer, Siwan.

.... Respondent/s

with

Civil Writ Jurisdiction Case No.10745 of 2008

Sunil Kumar Singh, Son of Sri Sambhu Nath Singh, resident of Village- Gangui, P.S.-Parsha, Dsitrick- Chapra (Saran).

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Secondary Education Human Resources Development Department, Bihar, Patna.
2. Additional Commissioner-cum-Secretary, Human Resources Development Department, Bihar, Patna.
3. Director, Secondary Education Human Resources Development Department, Bihar, Patna.
4. Regional Deputy Director of Education, Saran Division, Chapra.
5. District Superintendent of Education, Saran, Chapra

.... Respondent/s

Appearance :

(In CWJC No.10562 of 2008)

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

For the Respondent/s : Mrs. Neetu Jha, AC to AAG-6

(In CWJC No.10719 of 2008)

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

For the Respondent/s : Mr. AC to SC 21

(In CWJC No.10745 of 2008)

For the Petitioner/s : Mr. Shivendra Kishore

For the Respondent/s : Mr. (AAG-9)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 10-08-2015

Heard learned counsel for the parties.

2. At the end of the day, this Court would find that even if the petitioners may not be strictly fulfilling the test of Article 14 and 16 of the Constitution of India but then they will be entitled for the same relief which has been given to their counterparts, namely, Anil Kumar, by an order of this Court dated 03.08.2010 in C.W.J.C. No. 17887 of 2008 and Satyendra Narayan Singh, by an order dated 11.04.2008 in C.W.J.C. No. 7007 of 2000 inasmuch as those orders were not only upheld by the Division Bench but also by the Apex Court.

3. These two orders were, in fact, subsequently, also looked into by this Court in the case of Vijay Kumar Prasad and this Court, by an order dated 03.12.2013 in C.W.J.C. No. 489 of 2011, had remitted the matter back to the Director, Secondary Education to examine as to whether the case of the petitioner Vijay Kumar Prasad was similar to Anil Kumar and Satyendra Narayan Singh.

4. Learned counsel for the petitioners has also produced the

order of the Director, Secondary Education dated 26.03.2015 which would go to show that even Vijay Kumar Prasad has been given the relief alike Anil Kumar and Satyendra Narayan Singh.

5. Thus, this Court, in order to maintain parity, will also remit the matter back to the Director, Secondary Education, who shall examine the case of the petitioners of its being allegedly identical to Anil Kumar, Satyendra Narayan Singh and Vijay Kumar Prasad and if he finds that the petitioners, who were appointed by the same Establishment Committee by which the aforementioned three persons were appointed, have been taken back in service despite of the earlier termination of service, in view of the aforesaid orders of this Court, similar treatment shall be also extended to the petitioners.

6. This Court hopes and believes that this exercise shall be completed by the Director, Secondary Education as early as possible but in no event beyond the period of four months from the date of receipt of a copy of this order, which has to be accompanied with a representation of the petitioners placing all the relevant facts and the orders of this Court.

7. With the aforementioned observation and direction, all these writ applications are disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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