

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12953 of 2013

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Nand Kishore Lal Das S/O Raghupati Lal Das Resident Of Village- Bharhulli,
P.O- Kora, P.S- Bharwara, District- Darbhanga.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Commissioner- Cum- Secretary, Human Resources Development Department, Government Of Bihar, Patna.
2. The Commissioner- Cum- Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
4. The Director, Mass Education, Government of Bihar, Patna.
5. The Chairman, Bihar Khadi Gramodyog Sangh, Bihar, Patna.
6. The Secretary, Darbhanga District Khadi Gramodyog Sangh, Darbhanga.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Rashmi Jha, Adv.

For the Respondent/s : Mr. Patanjali Rishi, A.C. to A.A.G.-6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 04-10-2016

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner was a member of Non-formal Instructor. For regularization of service, certain persons have moved before this Court in C.W.J.C. 8418 of 2010. This Court vide order dated 21.04.2011 allowed the said writ application and directed for absorption of Non-formal Instructors at the earliest. The aforesaid



order was stayed by the Division Bench of this Court in L.P.A. No.1489 of 2011, but ultimately, which was unsuccessful. The matter went to the Hon'ble Supreme Court in S.L.P. No.32079 of 2015. The Hon'ble Supreme Court has held that the judgment would be applicable with respect to the cases, which are pending either in the Supreme Court or in the High Court.

3. It will be useful to quote relevant portion of the said order passed by the Hon'ble Supreme Court, which reads as under:-

“The relief granted by the High Court shall be restricted to those who approached the High Court who were head as well as who wanted to get themselves impleaded and those who have filed applications here at par with those former as well as those petitioner instructors which are pending as on date before the High Court but shall not apply to any fresh case either here or before the High Court.”

4. In view of the aforesaid order of the Hon'ble Supreme Court, this writ application is also disposed of in terms of the order dated 21.04.2011 passed in C.W.J.C. 8418 of 2010. Accordingly, the present petitioner would be given the same benefit as has been given to the petitioners of C.W.J.C. 8418 of 2010.

5. With the aforesaid observations and directions, this writ application is allowed.

(Shivaji Pandey, J)

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