

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19178 of 2015

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1. Prabhash Chandra Jha S/o Late Shankar Jha @ Shankar Nath Jha resident of Village- Tardiha, Post Baluachak, P.S.- Jagdishpur District- Bhagalpur.
 2. Bibi Arshadi Bano daughter of late Mirza Mohammad Hussain resident of Village- Ahmad Rawani Puraini P.O.- Puraini, P.S.- Jagdishpur, district- Bhagalpur.
 3. Hari Nandan Yadav, S/o Sri Babulal Yadav, resident of Village- Tarhia Post Balua Chak P.S.- Jagdishpur, District- Bhagalpur.
 4. Mohammad Ashad S/o Late Abdul Samad resident of Village- Puraini (Naya Tola) P.O.- Puraini, P.S.- Jagdishpur, District- Bhagalpur.
 5. Mirza Asgar Abbas, son of Late Mirza Mohammad Hussain resident of Village- P.S.- Jagdishpur, District- Bhagalpur.
 6. Veena Devi wife of Sri Kailash Mandal resident of Village- Balua Chak, Post Balua Chak, P.S.- Jagdishpur, District- Bhagalpur.
 7. Siya Ram Shah Son of Sattan Sah @ Sattan Prasad Sah, resident of Village- Tagepur Post Jagdishpur, District- Bhagalpur.
 8. Mohammad Harun Ansari son of Mohammad Jalil Ansari resident of Village- Puraini P.S.- Jagdishpur, District- Bhagalpur.
 9. Nishat Parveen wife of Mohammad Ansaruddin Resident of Village- Puraini (West), P.O.- Puraini P.S.- Jagdishpur, District- Bhagalpur.
 10. Mohammad Arshad Hussain son of Mohammad Tafajjul Hussain resident of Village- Simariya Post Nath Nagar, District Bhagalpur.
 11. Mushrat Jahan wife of Mohammad, Zamil @ Md. Zamil Ahmad resident of Village Puraini P.O.- Puraini, P.S.- Jagdishpur, District- Bhagalpur.
 12. Mohammad Shahid Wqbal son of Late Mohammad Abdul Khalik resident of Village- Puraini, P.S.- Jagdishpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Bhagalpur.
3. The Principal Secretary, Department of Human Resources Development, Bihar, Patna.
4. The Principal Secretary, Department of Personnel and Administrative Reforms Bihar, Patna.
5. The Director, Primary Education, Bihar, Patna.
6. The Director, Mass Education, Bihar, Patna.
7. The District Mass Education Officer, Bhagalpur.
8. The Programme Officer, Adult Education, Sabour, Bhagalpur
9. The Additional Director Non Formal Education Bhagalpur.
10. The District Education Officer, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Jain

For the Respondent/s : Mr. Manikant Mishra- GP25

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 22-01-2016

The issue raised in the present writ application on behalf of these petitioners has been squarely answered in their favour in a batch of writ applications decided earlier by a learned Single Judge. A copy of the said order is Annexure- 6 to the present writ application. Counsel for the petitioners further informs the Court that an LPA was preferred by the State against the said decision of the learned Single Judge, which was registered as LPA No.1489 of 2011, which has been dismissed on 11.8.2015 upholding the direction or decision of the learned Single Judge.

If this is so there is no reason why these petitioners will not be treated similarly with regard to the relief as has been extended earlier by the learned Single Judge and upheld by the Division Bench.

The rational and reasoning provided by the learned Single Judge as well as the Division Bench shall also occupy the claim of the petitioners unless there is some distinguishable feature with regard to the same.

Writ is allowed.

(Ajay Kumar Tripathi, J)

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