

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No 4070 of 2016**

**IN**  
**LPA 1489 of 2011**

- =====
1. Shyam Kishore Mishra, Son of Ram Krishna Mishra, Resident of Village- Kharhua, P.O.- Banpur, P.S.- Giddhaur, District- Jamui.
  2. Kamdev Yadav, Son of Gobardhan Yadav, Resident of Village- Kolhua, P.O.- Kolhua, P.S.- Giddhaur, District- Jamui.
  3. Brahmdev Rajak, Son of Ganauri Rajak, Resident of Village + P.O.- Sewa, P.S.- Giddhaur, District- Jamui.
  4. Biranchi Sao, Son of Late Maha Sao, Resident of Village- Sarsa, P.O.- Sewa, P.S.- Gidhaur, District- Jamui.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna namely Anjani Kumar Singh.
2. G.S. Gangwar, the Principal Secretary, the Education Department, Government of Bihar, Patna.
3. Amir Subhani, Son of not known to the petitioner, the Principal Secretary, Department of Personnel & Administrative Reforms, Bihar, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Smt Shashi Priya Pathak, Advocate  
For the Respondent/s : Mr Ashutosh Ranjan Pandey, AAG 15 with  
Mr Priyadarshi Matin Sharan, AC to AAG 15

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**CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH**  
**And**  
**HON'BLE JUSTICE SMT NILU AGRAWAL**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)**

**Date: 25-01-2017**

The four present petitioners seek a very limited  
indulgence of this Court.

**2** It appears that a writ petition was filed being *CWJC*  
*No 2044 of 2000 (Non-formal Education Instructor Association &*  
*Another –Versus- State of Bihar & Others)*, inter alia, in relation to



their absorption in service on the post of Instructor. The writ petition was disposed of on 09.05.2005 where after similar another writ petition was also filed being *CWJC No 8418 of 2010* and several other similar writ petitions. They were all allowed pursuant where to State filed *Letters Patent Appeal No 1489 of 2011* against all the said judgments. This Letters Patent Appeal was then disposed of by this Court by judgment and order dated 11.08.2015. State's Letters Patent Appeal was dismissed with certain observations and directions. Subsequently, applications for clarification/modification was filed being *MJC No 2881 of 2016* which, after hearing the parties, was disposed of by order dated 31.08.2016 which is Annexure 7 to this application.

**3** The petitioners, by this application now filed, have prayed that as certain directions and clarifications were issued by this Court in the last of the said proceedings, the petitioners, who were also Members of the Association and who had first filed the writ petition, submit that the directions passed in the earlier proceedings would equally apply to these four petitioners as well.

**4** We have heard learned counsel for the petitioners and learned counsel for the State and we see no reason why such a direction be not issued for it is an elementary principle that the State has to treat similarly situated persons in similar manner. All



conditions being same, the petitioners cannot be denied the treatment in manner similar to those of the earlier applications. Let State do accordingly.

5 This application is, accordingly, disposed of with the aforesaid direction.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

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