

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.450 of 2017

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Madhuri Kumari, W/o Sri Abhiram and D/o Sri Ram Swarath Choudhary,
Resident of Village- Manika , P.O.- Akhtiyarpur, P.S.- Sarairanjan, District-
Samastipur at present posted as Physical Teacher, Adarsh Middle School,
Vidyapati Nagar, Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. Director, Elementary Education, Department of Education, Govt. of Bihar,
Patna.
4. State Project Director, Bihar Education Project Council, Patna.
5. Director, State Council of Education Research and Training, Mahendru,
Patna- 800006.
6. Collector, Samastipur.
7. District Programme Officer (Establishment), Samastipur Collectorate
Samastipur.
8. Regional Deputy Director of Education Samastipur.
9. Block Development Officer, Vidyapati Nagar, District- Samastipur.
10. Block Education Officer, Vidyapati Nagar, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shanti Pratap, Advocate
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey-AAG15
For Resp. No.4, BEPC	:	Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 30-11-2017

Heard learned counsel for the petitioner and learned counsel
appearing on behalf of the State.



Counsel for the petitioner referring to Annexure-8, the order passed by the Hon'ble Supreme Court, submits that the matter is pending before the Apex Court in the case of **Nirmala Kumari & Ors. Vs. The State of Bihar & Ors., SLP (C) No. 38759 of 2016**. He submits with reference to the order passed by the Apex Court that the case of the petitioner is required to be considered in the light of the order passed by the Apex Court as contained in Annexure-8.

Mr. Ashutosh Ranjan Pandey, appearing on behalf of the State submits that it goes without saying that the law laid down by the Apex Court is binding on the State in the event the Apex Court decides in favour of the petitioner and the petitioner would be entitled to all the benefits to the extent covered by the decision of the Apex Court.

In view of the above, the writ petition is disposed of with the consent of the parties that the fate of the petitioner will abide by the final outcome of the decision of the Supreme Court in the case of Nirmala Kumari & Ors.

In view of the order passed by the Apex Court, no order need be passed in this case for the present. The State authorities are supposed to take appropriate decision in accordance with the



decision of the Supreme Court in the case of Nirmala Kumari and others as mentioned above.

With the aforesaid, the writ petition is disposed of.

Since the petitioner is continuing, until final adjudication by the Apex Court the petitioner shall not be disturbed.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.12.2017
Transmission Date	

