

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.314 of 2012

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Vinay Kumar Tiwary S/O Raj Narayan Tiwary R/O Village - Lalepur,
P.O.-Baksanda, Via- Parsa, P.S.- Parsa, District - Saran

.... Petitioner

Versus

1. The State of Bihar
2. The Chief Secretary, Bihar, Patna
3. The Principal Secretary, General Administrative Department, Bihar, Patna
4. The Principal Secretary, Human Resources Development Department, Bihar, Patna
5. The Director, Mass Education, Human Resources Development Department, Bihar, Patna
6. The District Public Education Officer, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Nityanand Mishra

For the Respondent/s : Mr. Kaushal Kr. Jha Sc4

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 16-01-2017 Heard Sri Nityanand Mishra, learned counsel for
the petitioner and learned counsel for the State..

The sole petitioner, in the present writ petition, has prayed for granting similar relief granted to the Non-Formal Supervisors of Non-Formal Education. The petitioner was Instructor. A claim was made that earlier writ petitions filed by the supervisor(s) were allowed by a Bench of this Court. Since the cases of Supervisors and Instructors were on similar footing, at subsequent stage, Instructors also filed writ petitions for granting same relief, which was allowed by a Single Bench of this Court



with a direction to grant the same relief. On appeal preferred by the Government of Bihar against the order of the Single Bench, the Division Bench did not interfere with the order of the Single Bench. However, the Division Bench modified the order of the Single Bench to the extent that the persons, who were functioning at least three years prior to the concerned date, only they were entitled to be considered. Again against the order of the Division Bench, an appeal was preferred by the Government of Bihar, which has only been disposed of and dispute has now been set at rest by the Hon'ble Apex Court vide order dated 26.02.2016 passed in S.L.Ps which is as follows:

“We find no infirmity in the order impugned herein. The Special Leave Petitions are dismissed.

The relief granted by the High Court shall be restricted to those who approached the High Court who were heard as well as who wanted to get themselves impleaded and those who have filed applications here at par with those former as well as all 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.

Pending applications, if any, stand disposed of.”



Learned counsel for the petitioner submits that after the order of the Hon'ble Apex Court, a Single Bench of this Court vide its order dated 31.03.2016 passed in C.W.J.C.No.18011 of 2014 directed to dispose of the matter with a direction to the Respondents to decide the claim of the petitioners of the said case in terms of the order of the Hon'ble Apex Court passed in S.L.A.(C) no.32079/2015

Learned counsel for the State does not dispute the fact that the matter has now been set at rest.

Accordingly, in terms of the order of the Hon'ble Apex Court passed on 26.02.2016 in S.L.A.(C) 32079/2015, the present writ petition is disposed of with direction to the Respondents State to take decision in the matter in terms of the order of the Hon'ble Apex Court

(Rakesh Kumar, J)

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