

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.149 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 16537 of 2010**

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1. Radhe Shyam Prasad son of Shri Ramanad Prasad, Assistant Teacher in Practical High school, Sikatia, Police Station Maharajganj, District- Siwan.
2. Ram Chhabila son of late Ram Kishan Kushwaha, Assistant Teacher in Practical High school, Sikatia, Police Station Maharajganj, District- Siwan.
3. Bikrama Prasad son of Shri Gorakh Bhagat, Assistant Teacher in Practical High school, Sikatia, Police Station Maharajganj, District- Siwan.
4. Tribhushan Kumar Prasad, son of late Triloki Nath Prasad, Assistant Teacher in Practical High school, Sikatia, Police Station Maharajganj, District- Siwan.
..... (Petitioners) Appellants

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Special Director, Human Resources Development Department, Government of Bihar, Patna
5. The Regional Deputy Director of Education, Saran Division, Chapra.
6. The District Education Officer, Siwan, At & PO Siwan.
..... (Respondents) Respondents

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Appearance:

For the Appellant/s : Mr. Alok Kumar and
Mr. Raghav Prasad, Advocates.

For the Respondent/s : Mr. S.S.P. Yadav, SC 14.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 21-06-2017

Heard counsel for the appellants and counsel for the
State.

Dismissing the Writ Application on 27.11.2014 the
learned Single Judge, however, gave an opening that the case for



payment of salary for past service prior to 17.11.2003 could be considered subject to an adjudication which would emerge in LPA No. 1618 of 2012.

Since then the said L.P.A. of Tapnath Ram was heard by a Division bench on 24.02.2016 and the L.P.A. was dismissed. The learned Division Bench has taken note of the law, the ordinances and the status and the right flowing therefrom in their order dated 24.02.2016. They came to a conclusion that the relevant date from which the benefit of salary etc. could accrue would be 17th November, 2003. This is what the learned Single Judge had allowed to the present appellants. Therefore, keeping in mind that the case of Tapnath Ram was also arising from the said institution and in identical situation the decision of the learned Single Judge cannot be said to be erroneous. Therefore, the appeal is dismissed.

A copy of the order dated 24.02.2016 passed in the case of Tapnath Ram is placed on record.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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