

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14327 of 2007

1. Jitendra Jha Son of Late Mangnu Jha, District Secretary of Bihar State Non-Formal Education Employees Association, Madhubani, Resident of village – Sugauna, P.O. – Sugauna, P.S. – Rajnagar, District – Madhubani.

2. Sita Ram Yadav Son of Shri Akshaya Lal Yadav, Sangharsh Mantri, Bihar State Non-Formal Education Employees Association, Madhubani, Resident of village – Sahar Tola – Ram nagar, District – Madhubani.

.... Petitioners

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Human Resources Development Department, Government of Bihar, Patna.

2. The Commissioner-cum-Secretary, Human Resources Development Deptt., Govt. of Bihar, Patna.

3. The Director, Mass Education, Government of Bihar, Patna.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Respondent/s : Mr. Ashutosh Ranjan Pandey, A.A.G.15

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 06-03-2017 Heard Sri Pramod Mishra, learned counsel for petitioners and Sri Ashutosh Ranjan Pandey, learned Addl. Advocate General - 15.

Petitioners, in the present writ petition, have prayed for granting similar relief granted to the Non-Formal Supervisors of Non-Formal Education. All the petitioners were Instructors. 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 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 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.A(C). No. 32079 of 2015, 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 petitioners 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 of 2015

Learned State counsel 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 of 2015 as well as order dated 31.03.2016 passed in C.W.J.C. No. 18011 of 2014, the writ petition stands disposed of with direction to the respondent/State to take decision in the matter.

(Rakesh Kumar, J.)

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