

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1883 of 2017

1. Uma Shankar Ram Son of Dular Chand Ram Resident of Village- Haldi Chapra, Post Office- Ram Nagar, Via-Maner, Police Station- Maner, District- Patna.
2. Meena Devi Wife of Akhileshwar Singh Resident of Village- Mahinawa, Bagicha, Post Office- Manner, Police Station- Maner, District- Patna.
3. Manoj Kumar Son of Shyam Nandan Singh Resident of Village- Tajpur, Post Office- Kamla, Gopalpur, Police Station- Manner, District- Patna.
4. Sugeeta Kumar Sinha Wife of Sampurna Nand Singh Resident of Village- Nilkaath Tola, Goraiya Ashtan, Post Office- Beyapur, Police Station- Manner, District- Patna.
5. Braj Bhushan Prasad Son of Sajjan Thakur Resident of Village- Hathi Tola, Post Office- Manner, Police Station-Maner, District- Patna.
6. Purshotam Singh Son of Navesh Chandra Singh Resident of Village- Ratan Tola, Post Office- Manner, Police Station- Manner, District- Patna.
7. Yogendra Choudhary Son of Hira Choudhary Resident of Village- Ramjee Chak Beyapur, Post Office- Bayapur, Police Station- Manner, District- Patna.
8. Jawahar Lal Mishra Son of Jai Nandan Mishra Resident of Village- Maulla, Post Office- Kamla Gopalpur, Police Station- Manner, District- Patna.
9. Budhdeo Singh Son of Manki Lal Singh Resident of Village- Jeorakhan Tola, Beyapur, Police Station- Bayapur, Police Station- Manner, District- Patna.
10. Bibhuti Bhushan Prasad Son of Ram Suyashs Thakur Resident of Tata Colony, Beyapur, Post Office- Beyapur , Police Station- Manner, District- Patna.
11. Nand Keshwar Singh Son of Azab Narain Singh Resident of Village- Jeorakhan Tola, Beyapur, Police Station- Bayapur, Police Station- Manner, District- Patna.
12. Raj Mohan Rai Son of Buttan Rai Resident of Village- Pattila, Post Office- Pattila, Police Station- Manner, District- Patna.
13. Reena Devi wife of Bijendra Kumar Resident of Village- HaldeoChapra Satwana, Post Office- Dudhela, Police Station- Manner, District- Patna.
14. Vakil Singh Son of Jagat Rai Resident of Village- Sherpur Pokhra Rampur, Post Office- Sherpur, Police Station- Manner, District- Patna.
15. Lal Mohan Singh Son of Ram Anuj Singh Resident of Village- Barhmchari , Pokha, Post Office, Sherpur, Post Station- Manner, District Patna.
16. Shambhu Prasad Singh Son of late Ram Gauhar Singh Resident of Village- Ratantola, Post Office- Mahinawa, Police Station- Manner, District Patna.
17. Rita Devi W/o Chandan Kumar Resident of Mahinawan Bazar, Post Office- maner, District- Patna.



... .. Petitioner/s

Versus

1. Mr. Anjani Kumar Sinha, The Chief Secretary, Government of Bihar, Patna.
2. Mr. R.K. Mahajan, the Principal Secretary, Department of Education, Government of Bihar, Patna.
3. Dr. Dharmendra Gangwar, The Principal Secretary, Department of Personal and Administrative Reforms, Bihar, Patna.
4. Dr. Binoda Nand Jha, Director Formal Education, (Formal) Bihar, Patna.
5. Sanjay Agarwal, District Magistrate, Patna
6. Mehdo Das, District Education Officer, Patna.
7. Dr. Ashok Kumar, District Programme Officer, Patna.
8. Kavita Kumari, Block Education Officer, Manner, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate
For the Respondent/s : Mr. Vinay Kr. Mishra, AC to AAG 15

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-09-2017

Office objection be ignored.

Having heard learned counsel for the parties, we find that after CWJC No.8418 of 2010 was decided by a Bench of this Court on 21st April, 2011 and after the aforesaid order was affirmed in L.P.A. No.1489 of 2011 on 11th August, 2015 by a Division Bench of this Court, the matter at the instance of the State Government travelled to the Hon'ble Supreme Court in Special Leave to Appeal (C) No.32079 of 2015 and the order passed by the Hon'ble Supreme Court vide Annexure-3, on 26th February, 2016 indicates that the relief granted by the High Court was to be



granted to all concerned, who were parties in the writ petition filed before the High Court and also to those persons who wanted to themselves impleaded either before the High Court or before the Supreme Court. According to the applicants, in the case of the petitioners, vide order passed on 28.09.2016 and various other dates, the judgment rendered by the High Court and affirmed by the Supreme Court have been complied with and implemented. However, in the case of the present applicants, who were interveners in LPA No.1489 of 2011 and who had filed I.A. No.870 of 2012, the benefit has not been granted. It is the case of the applicants that in the light of the directions issued by the Hon'ble Supreme Court, the applicants who were interveners in I.A. No.870 of 2012 and have filed contempt application are also entitled to the same benefit. In this regard, learned counsel for the applicants invites our attention to the following directions issued by the Hon'ble Supreme Court in Special Leave to Appeal (C) No.32079 of 2015 on 26.02.2016 :

“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.”

Taking note of the aforesaid, we find much force in the contentions advanced by the learned counsel for the applicants and if the applicants herein were intervenors, as is indicated hereinabove, there is no reason as to why benefit should not be granted to them.

Taking note of all the circumstances, for the present, without initiating action for contempt, it is directed that on the petitioners’ filing a certified copy of the order along with relevant documents as are indicated hereinabove, the respondent- Chief Secretary to the Government of Bihar and other respondents shall examine the case of the petitioners in the light of the directions issued in CWJC No.8418 of 2010 affirmed in LPA No.1489 of 2011 read along with the observations and the directions issued by the Hon’ble Supreme Court as detailed herein above and in case the petitioners are entitled to the benefits, then appropriate orders conferring benefit to the petitioners shall be passed within a period of 60 days from the date of receipt of a certified copy of the order.

Needless to emphasize that in case, the competent authority feels that for any reason whatsoever, the petitioners cannot be



conferred the said benefit, it shall be incumbent upon him to notice the petitioners and hear them and thereafter pass a speaking order and, in case, any grievance still subsists, the petitioners will have liberty to take recourse to the remedy available in law.

With the aforesaid, we dispose of the contempt application.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.09.2017
Transmission Date	

