IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No 3765 of 2016

IN

C REV 291 of 2016

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1 Meera Kumari, wife of Shri Chandra Mohan Kumar, resident of Village – Pyarepur, PO + PS – Barauli, District – Gopalganj, Pin – 841 405

2 Punam Devi, wife of Shri Arun Kumar Singh, resident of Village + PO – Nawada, PS – Barouli, District - Gopalganj

.... Petitioner/s

Versus

1 The State of Bihar through the Chief Secretary, Old Secretariat, Patna

2 The Principal Secretary, Department of Human Resources Development, Bihar, Patna

3 The Principal Secretary, Department of Personnel and Administrative Reforms, Bihar, Patna

4 Pankaj Kumar Singh, State Secretary, Bihar State Non-formal –cum- Special Education Instructor Union, Patna, son of Shri Balram Singh, resident of Village – Nayatola Phulwari, PO + PS + District - Katihar

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr Shashi Shekhar Tiwary, Advocate

For the Respondent/s : Mr Priyadarshi Matin Sharan, AC to AAG 15

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 25-01-2017

By this application, the petitioners seek a very limited modification of order as passed on 11.08.2015 in Civil Review No 36 of 2012 by this Court.

2 The grievance of the petitioners is that the relief granted in those proceedings are only being extended to persons who were parties in those proceedings even though there are others who are identically situated but they are not being treated similarly.

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3 To us, problem is simple. The Apex Court, in the case of *Ashwani Kumar & Others –Versus- State of Bihar & Others* since reported in *AIR 1997 Supreme Court 1628*, in paragraph 17, has clearly held that all persons, similarly situated, whether they have moved the Court or not, must be similarly treated. Those, who were waiting in the wings, cannot be denied the relief which is granted by the Court unless the relief is personal to the person. In our view, similar is the provision of Clause 4 (c) of the Bihar State Litigation Policy which clearly envisages that not everybody is required to move the Court. Persons, in similar circumstances, must be treated similarly.

4 In that view of the matter, all we say is if the authorities find that the petitioners are similarly circumstanced to the other persons, they would be similarly treated.

5 This application is, accordingly, disposed of with the aforesaid direction.

6 IAs No 4666 and 7159 of 2016 are also allowed.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

M.E.H./-

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