

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9672 of 1993

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Radha Raman Sharma, Son of Late Kapildeo Sharma, resident of Village-
Sanjhauli, P.S. Sanjhauli, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through Commissioner and Secretary, Human Resource Development Department, Bihar, Patna.
2. The Special Director, Secondary Education (Sanskrit) Human Resource Development Department, Bihar, Patna.
3. Bihar Sanskrit Shiksha Board, Boring Canal Road, P.S. Budha Colony, District- Patna through its Secretary.
4. The Headmaster, Hargauri Sanskrit High School, Sanjauli, P.S. Sanjauli, District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D. K. Sinha, Sr. Advocate

Mr. Abhinay Raj, Advocate.

For the Respondent/s : Mr. Kunal Tiwary, A.C. to G.A. 2

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 13-02-2018

Heard Mr. D. K. Sinha, learned senior counsel assisted
by Mr. Abhinay Raj, learned counsel for the petitioner and learned
A.C. to G.A.-2 for the State.

2. The writ petition is of the year 1993 and from various orders passed, it appears that the issue was connected with the matter of C.W.J.C. No. 7399 of 1990. The said writ petition was finally disposed off by a Division Bench of this Court by judgment dated 03.03.1994 along with analogous cases and since reported as **1994(2) PLJR 359** in the case of **Subhash Chandra v. State of Bihar**. The Court had earlier also noticed the fact that against the same, there was Civil Appeal No. 3533 of 1995, pending before the Hon'ble



Supreme Court, the result of which may have a bearing on this case and accordingly, the present case was directed to be listed for hearing after disposal of the said Civil Appeal No. 3533 of 1995. The Civil Appeal No. 3533 of 1995 has stood dismissed by a constitution Bench of the Hon'ble Supreme Court on 02.01.2017 since reported as **(2017) 3 SCC 1** in the case of **Krishna Kumar Singh v. State of Bihar** and analogous cases.

3. Thus, the matter could easily have been disposed off by the Court in terms of the judgment of the Court in C.W.J.C. No. 7399 of 1990, affirmed by the Hon'ble Supreme Court. However, when the matter was taken up for hearing on 01.02.2018, nobody had appeared on behalf of the respondents/State and by way of indulgence, the matter was adjourned. On 08.02.2018 also, though learned counsel for the petitioner was present, nobody had appeared on behalf of the respondents and the Court had directed the Registry to communicate the order of the Court to the learned Advocate General with a request to ensure that there is representation on behalf of the State on the next occasion.

4. Today, though learned counsel for the State has appeared but prayer is made for time. The Court cannot accept such a position in view of the fact that the matter is of the year 1993 and twice earlier the Court had given indulgence to the State and not



gone ahead with finally hearing and disposing off the case.

5. In view of the fact that past orders record that the order of the Court in C.W.J.C. No. 7399 of 1990 and of the Hon’ble Supreme Court in Civil Appeal No. 3533 of 1995, shall have a bearing on the case and there being nothing on record, either in the pleadings or in the submissions of learned counsel for the State that the present case is different from the said case, the Court does not have any reason to take a different view.

6. Considering the aforesaid, as the order in C.W.J.C. No. 7399 of 1990, has been affirmed by the Hon’ble Supreme Court, the present case also being on the same issues, the writ petition stands disposed off in terms of the judgment dated 03.03.1994 passed in C.W.J.C. No. 7399 of 1990 and analogous cases. The relief granted to the said writ petitioner shall also be granted to the present writ petitioner.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
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