

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1147 of 2017

In

Civil Writ Jurisdiction Case No. 234 of 2017

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1. Harendra Ojha, son of Late Raj Nandan Ojha, R/O village + P.O. - Dhatigana Tola, Kishunpur, P.S. - Thave, Distt. - Gopalganj.
 2. Barister Choudhary, son of Nawab Choudhary, R/O village - Mishrali tola Mul Toli, P.S. - Mirganj, Koylad, Distt. - Gopalganj.
 3. Md. Kabul Ahmmed, son of Late Abdul Teni Mian, R/O village - Sareya, P.S. + P.O. - Gopalganj, Distt. - Gopalganj.
 4. Hasib Ansari, son of Late Mohbub Ansari, R/O village - Kaithwali, P.O. + P.S. - Gopalganj, Distt. - Gopalganj.
 5. Baijnath Manjhi, son of Late Raghunandan Manjhi, R/O village - Haziyaapur, P.S. + P.O. - Gopalganj, Distt. - Gopalganj.
 6. Beni Tiwari, son of Late Nabab Tiwari, R/O village - Sawanaha, P.O. - Bathua Bazar, P.S. - Phulwariya, Distt. - Gopalganj.
 7. Sri Kishun Prasad, son of Surya Sah, R/O village + P.O. - Mirzapur, P.S. - Barauli, Distt. - Gopalganj.
 8. Md. Salim, son of Late Suleman Mian, R/o village - Haziyaapur, P.S. + P.O. - Gopalganj, Distt. - Gopalganj.
 9. Dharmanath Sah, son of Late Sukdeo Sah, R/O village - Kawhi, P.S. - Jagarnath, Distt. - Gopalganj.
 10. Nasir Hussain, Son of Late Jalaludalin, resident of village - Kahla, P.O. - Kohla, P.S. - Barauli, Distt. - Gopalganj.

.... Appellants

Versus

The State of Bihar, through the Chief Secretary, Government of Bihar,
Patna and others.

.... Respondents

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Appearance :

For the Appellants : Mr. Jitendra Kumar Shrivastwa, Advocate
For the Respondent/s : Mr. S.K. Sharma, AC to AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 16-01-2018

The main thrust of argument before us in this

L.P.A. is that before passing the impugned order neither the



certificates produced by the petitioner, filed as Annexure-10 series, nor the judgment rendered by the same Bench in the case of certain other employees, namely, C.W.J.C. No.1822 of 2016 (Shambhu Prasad Baitha and others vrs. The State of Bihar and others) on 13.12.2017 has been taken note of wherein after considering the same report of the Enquiry Committee, benefit has been granted to the petitioners therein.

If that be the position, the petitioners should first bring all these facts to the notice of the learned Writ Court by filing a review petition and it would be for the learned court to review the order, if permissible, on the grounds as canvassed before us.

With the aforesaid, this appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

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