

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7909 of 2018

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Rekha Kumari Daughter of Sri Arjun Singh, Wife of Suresh Prasad Singh Resident
of Village - Majilishpur Alipur Hatta, P.S. Mahnar, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Education Officer, Vaishali at Hajipur.
4. The District Programme Officer (Establishment), Vaishali at Hajipur.
5. The Block Education Officer, Mahnar, District - Vaishali at Hajipur.
6. The Bihar School Examination Board through its Secretary, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Respondent/s : Mr. Subhash Chandra Mishra- SC16

For Respondent BSEB : Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 03-05-2018

Heard learned counsels for the petitioner and the
counsels appearing on behalf of the respondents.

Learned counsel for the petitioner submits that the
case of the petitioner is covered by the decision of this court. On the
other hand, learned counsels for the respondents submits that contrary
decision was taken by the Director, Primary Education and in view of
the aforesaid he submits that the case of the petitioner is
distinguishable on fact.

Without going into the controversy whether the case
of the petitioner is identical to the case on which he placed reliance or
there is distinguishable on fact, the three writ petition is disposed of



with direction to the Principal Secretary, Education Department, who shall examine the case of the petitioner in accordance with law and in case the claim of the petitioner is covered by the decision of this court, the Principal Secretary will extend same benefit to the petitioner and in the event, the case of the petitioner is distinguishable on fact, the Principal Secretary is required to pass a reasoned speaking order.

In the event the case of the petitioner is found similar to the case on which he placed reliance, the respondent Principle Secretary is required to see monetary benefit must reach the petitioner within a period of sixty days from the date of filing of such representation.

It is made clear that this court has not expressed any opinion on the merit of the case. It is for the Principle Secretary to examine the relevant record on the claim of the petitioner.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.05.2018
Transmission Date	

