

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2433 of 2016

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1. Mithileshwar Prasad Singh son of late Harihar Prasad Singh, Resident of Village Darihara, Sonpur, P.S. Sonpur, District Saran.
 2. Nagendra Kumar Pathak, son of late Yamuna Pathak, Resident of Barwa, P.O. Asao, P.S. Ander District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The District Education Officer, Siwan.
4. The District Programme Officer (Establishment), Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate

For the Respondent/s : Mr. S. Raza Ahmad, AAG-9

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 02-02-2018 Heard learned counsels for the petitioners and the counsel appearing on behalf of the respondents.

Learned counsels for the petitioners submit that the case of the petitioners is covered by the decision of this court. On the other hand, learned counsel 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 petitioners is distinguishable on fact.

Without going into the controversy whether the case of the petitioners is identical to the case on which they placed reliance or they are distinguishable on fact, the writ application is disposed of with direction to the Director, Primary Education



(respondent no.2) who shall examine the case of the petitioners in accordance with law and in case the claim of the petitioners is covered by the decision of this court, the Director, Primary Education will extend same benefit to these petitioners and in the event, the case of the petitioners is distinguishable on fact, the Director, Primary Education is required to pass a reasoned speaking order.

In the event the case of the petitioners is found similar to the case on which they placed reliance, the respondent Director, Primary Education is required to see monetary benefit must reach the petitioners 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 Director, Primary Education to examine the relevant record on the claim of the petitioners. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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