

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6279 of 2007

-
1. Dr.Hira Lal Singh, son of Late Dudh Nath Singh, resident of Mohalla- Vijayapuri, near Ram Jaipal Nagar, Gola Road, Danapur, P.S.- Danapur, District- Patna
 2. Arun Kumar Verma, son of Sri Bindeshwari Prasad Singh, resident of Mohalla- Magadh Vikas Colony, Khajpura, Patna-14, P.S. Shastrinagar, District- Patna
 3. Mithilesh Chandra Mishra, son of Sri Srinarayan Mishra, resident of Village- Goshpur, P.S.- Karjain Bazar, District- Supaul
 4. Kanhya Mishra, son of Sri Ram Nath Mishra, resident of Mohalla- New Purandarpur, P.S.- Jakkanpur, District- Patna
 5. Julian Guria, son of Sri Mashih Das Guria, resident of Mohalla- Defence Colony, Takiyapar Danapur, P.S. Danapur, District- Patna
 6. Chamru Prasad Nirala, son of Late Narayan Mahto, resident of Mohalla- Mallahi Pakari, P.S. Kankarbagh, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Govt. of Bihar, Patna
3. The Secretary, Department of Personnel and Administrative Reforms, Govt. of Bihar, Patna
4. The Secretary, Department of Law, Govt. of Bihar, Patna
5. The Commissioner and Secretary, Department of Human Resources Development, Govt. of Bihar, Patna
6. The Director, Secondary Education, Department of Human Resources Development, Govt. of Bihar, Patna
7. Bihar Staff Selection Commission, Patna, P.O. Veterinary College, Patna-14, District- Patna through its Secretary.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajey Kumar, Advocate
For the Respondent/s : Mr. Dharendra Kumar, A.C. to AAG-6

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

10 12-10-2018

1. By way of this petition under Article 226 of the Constitution of India petitioners have prayed for the following reliefs:-



“For issuance of directions, orders or writs in the nature of:-

- a) A Certiorari/Mandamus for declaring Sub-section (2)(3) and (4) of Section 10 Ka of Bihar Non Government Secondary School (Management and Control Takeover) Act 1981 (Bihar Act No. 33/1982) (hereinafter referred to as the Original Act 1981), inserted by section 3 of Bihar Non-Government Secondary School (Management and Control Take Over) (Amendment) Act 2004 (Bihar Act 14/2004) (hereinafter referred to as the Amending Act 2004) as Ultra-vires to the Constitution of India, since the aforesaid provisions, referred to above, are arbitrary, discriminatory and violative of Article-14 of the Constitution of India.
- b) A Mandamus commanding the respondents concerned to takeover the services of the petitioners and other employees of erstwhile Vidyalaya Seva Board with same service condition and pay scale, which were being provided and paid to them, prior to dissolution of Vidyalaya Seva Board by virtue of sub-section 1 of section 10Ka of the Amending Act 2004.
- c) Any other writ or writs for granting any other relief or reliefs for which the petitioners are found entitled to in the facts and



circumstances of this case.”

2. At the outset, it is required to be noted that present petition was filed in the year 2007 and is still pending for admission hearing.

2.1. Today when the present petition is taken up for hearing, it is placed on behalf of the Registry that this is old matter for admission hearing.

3. Learned counsel appearing on behalf of the petitioners has stated that according to his information and even as per the counter, the State Government is considering the issue. In that view of the matter, he seeks permission to withdraw the present writ petition at this stage, however, with liberty to file a fresh petition in case the decision if any by the State Government is against the petitioners.

4. With the above liberty, present writ petition stands dismissed as withdrawn.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

P.K.P./-

U			
---	--	--	--

