

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16855 of 2016

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1. Nand Kishore Upadhaya, son of Punyanath Upadhaya, resident of Village- Kushdekunwari, P.O.- Jaitipur, P.S.- Lalganj, District- Vaishali.
 2. Ashok Kumar, son of Gaya Prasad Singh, resident of Village- Shyampur, P.O.- Habjpura, P.S.- Vaishali, District- Vaishali.
 3. Shrawan Kumar, son of Late Rajnandan Rai, resident of Village- Akbarpur, P.O.- Sothatha, P.S.- Bhagwanpur, District- Vaishali.
 4. Mohan Kochar, son of Shri Jaichandra Kochar, resident of Village + P.O.- Prataptanda, P.S.- Bhagwanpur, District- Vaishali.
 5. Manish Mohan Kochar, son of Shri Jai Chandra Kochar, resident of Village + P.O.- Prataptanda, P.S.- Bhagwanpur, District- Vaishali.
 6. Upendra Rai, son of Shri Chandradeep Rai, resident of Village + P.O.- Sothiotha, P.S.- Bhagwanpur, District- Vaishali.
 7. Surendra Singh, son of Shri Rameshwar Singh, resident of Village + P.O.- Bandey, P.S.- Bhagwanpur, District- Vaishali.
 8. Jai Mangal Singh, son of Chandradeo Singh, resident of Village + P.O.- Bishunpur Bandey, Via- Bhagwanpur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Education, West Champaran at Bettiah. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey- AAG-15
Mr. Prabhat Ranjan Singh, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 24-01-2018 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 Principal Secretary (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 Principal Secretary will extend same benefit to these petitioners and in the event, the case of the petitioners is distinguishable on fact, the Principal Secretary 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 Principle Secretary 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 Principle Secretary 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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