

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8916 of 2018

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1. Dinesh Singh son of Late Arjun Prasad Assistant Teacher, Middle School Shumbha, resident of village - Kokadha, P.S. Sheosagar, District - Rohtas.
 2. Nagendra Ram son of Late Vishwa Nath Ram Assistant Teacher Middle School Mangarbalia resident of village - Mirjapur, P.O. Bhadokhara, P.S. Tilauthu, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development, Ministry, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Education Officer, Rohtas.
4. The District Programme Officer, Rohtas.
5. The District Account Officer, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rameshwar Singh
For the Respondent/s : Mr. Madhaw Pd. Yadaw- Gp23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 11-05-2018 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

Learned counsel for the petitioners with reference to Annexure-5 the decision of LPA Court in C.W.J.C. No. 1638 of 2015 dated 9.2.2018 submits that in view of the adjudication by the LPA Court in LPA No. 1638 of 2015, the respondents are required to consider the case of the petitioners.

The relevant part of the order of LPA Court reads as follows:-

“6. That however, form the facts stated in the writ application and perusal of annexure-1 series &



annexure-2 it would be evident that 8 out of 10 writ petitioners were appointed in the year 1999-2000 (not in 1990-2000 as stated in the para-4). It is further stated that only 5 out of 10 writ petitioners were in service whereas, 3 out of 5 were appointed just few months before, when 19 teachers were sent for in-service training vide annexure-6 of the writ application on 03.07.2000, whose date of appointment are as follows:-

- i. Petitioner no.-1-appointed on 26.4.1999**
- ii. Petitioner no.-03- appointed on 03.02.2000**
- iii. Petitioner no.04-appointed on 03.02.2000**
- iv. Petitioner no.-05- appointed on 16.07.1999**
- v. Petitioner no.-7- appointed on 21.06.2000**

7. That in view of facts stated in above said paragraph, only petitioner no.-01 & 05 were required to be sent along with 19 teachers who were sent for training vide annexure-6 of the writ application.”

Keeping in view the aforesaid, we allow this appeal in part, quash the order passed by the learned Writ Court so far as it pertains to petitioner Nos. 1, 3, 4, 5 and 7 and allow their writ petition and quash the order dated 2.1.2015 and Memo. No.340 dated 11.02.2015 so far as it pertains to these petitioners and direct that the order issued vide Annexure 4 to the writ petition dated 29.07.2011 passed by the Special Secretary shall continue to be made effective and all benefits conferred on the petitioners based on this order.

The consequential effect of this order be made available and granted to the petitioners within a period of 45 days from the date of receipt/production of a copy of this order.

In view of the above, the writ petition is disposed of with direction to the respondents to examine the case of the petitioners in the light of principle discussed by the LPA Court



in LPA No. 1638 of 2015 and final decision in this regard must be taken by the respondent within a period of 45 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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