

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7437 of 2017

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1. Surendra Prasad, son of Sri Nathuni Sah, resident of Village- Gahiri, P.O.- Viktoria Mishan, P.S.- Nautan, District- West Champaran.
 2. Saroj Kumari, D/o Late Devlal Sah, resident of Village+P.O.- Kalibag Ward No-12, P.S.- Bettiah Nagar, District- West Champaran.
 3. Rita Kumari, D/o Late Ramesh Thakur, resident of Village+P.O.- Bhagawati Nagar, Bettiah Ward No 36, P.S.- Bettiah Nagar, District- West Champaran.
 4. Rakesh Kumar Pandit, son of Sri Ravindra Nath Pandit, resident of Village+P.O.- Banudhpar, Bettiah, P.S.- Bettiah, District- West Champaran.
- Petitioners

Versus

1. The State of Bihar through the Principle Secretary, Dept. of Education, Govt. of Bihar, Patna.
 2. The Principal Secretary, Dept. of Education, Govt. of Bihar, Patna.
 3. The Director, Primary Education, Govt. of Bihar, Patna.
 4. The District Education Officer, West Champaran at Bettiah.
 5. The District Programme Officer, (Establishment) Bettiah.
 6. The Block Development Officer, Lauria Bettiah.
 7. The Block Education Officer, Lauria Bettiah
- Respondents
- =====

Appearance :

For the Petitioners : Mr. Satyam Shivam Sundaram, Adv.
For the Respondents : Mr. Hari Shankar Roy, AC to AG

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 15-02-2018 Heard the learned counsel for the petitioners and the learned counsel appearing for the State.

Despite the order, dated 21.12.2017, respondents have not filed counter affidavit.

The attitude of the respondents seems to be fomenting litigation.

The State of Bihar has formulated Bihar Litigation Police, 2011. Under the litigation policy they are professing that in the matter of similarly circumstanced persons similar benefit



should be extended, but, officers are insisting the employee to obtain similar order contrary to their profess litigation policy, and, thus, they are increasing the litigation instead of reducing the number of litigation.

Present case is celebrated example of the attitude of the respondents. While passing order, dated 21.12.2017, this Court had taken note of the fact that in Appeal No. 42 of 2017 and analogous cases similar issue was decided by the State Appellate Authority and the order of the State Appellate Authority was implemented, yet they have neither redressed the grievance of the petitioner in the light of the decision of the State Appellate Authority in Appeal no. 42 of 2017 nor they have filed any counter affidavit in the present writ application to distinguish the case of the petitioners from the case decided by the State Appellate Authority.

In the order, dated 21.12.2017, it was made clear that if the writ petition is ultimately decided in favour of the petitioners, the petitioners would be entitled to interest at the rate of 12% per annum from the date of filing of writ application till the date of actual payment and the same shall be borne from the pocket of erring officer of the Education Department.

In the peculiar facts and circumstances, the Director,



Primary Education, Bihar, Patna, respondent no. 3, is directed to examine the case of the petitioners in the light of the decision in Appeal no. 42 of 2017 and will ensure similar treatment to these petitioners by passing reasoned and speaking order within a period of three months from today. The Director, Primary Education, Bihar, Patna, is also required to fix accountability on the erring officer in causing delay in disposal of the claim of the petitioners, if it is covered by the decision of the State Appellate Authority in Appeal no. 42 of 2017. The Director will realize the interest payable to the petitioners from the erring officers within the time indicated here-in-above.

With the aforesaid observations, this writ application stands **disposed of**.

(Anil Kumar Upadhyay, J)

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