

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1047 of 2017

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Personnel and Administrative Reforms, Government of Bihar.
4. The Director, Mass Education, Government of Bihar, Patna.
5. The District Education Officer, Bhojpur.

... .. Appellant/s

Versus

1. Harendra Mishra, Son of Late Ram Bhawan Mishra, Resident of Village-Tilak Rai Ka Hata, P.O. Barka Rajpur, P.S.- Simari, District- Buxar.
2. Bhagwan Prasad, Son of Shri Nanhaku Prasad, Resident of Village+P.O.-Barka Singhanpura Narayanpur Bisen, P.S.- Simari, District- Buxar.
3. Anil Kumar, Son of Shri Pashupati Rai, Resident of Village- Dudhi Patti Simari, Post+P.S.- Simari, District- Buxar.
4. Jitendra Kumar Prasad, Son of Shri Daya Nand Prasad, Resident of Village-Dudhi Patti Simari, Post+P.S.- Simari, District- Buxar.
5. Subas Prasad, Son of Late Ganga Sagar Prasad, Resident of Village+Post-Manjhawari, P.S.- Simari, District- Buxar.
6. Ashok Kumar Mishra, Son of Shri Ram Chandra Mishra, Resident of Village+Post Keshopur, P.S.- Simari, District- Buxar.
7. Ram Niwas Singh, Son of Late Radha Mohan Singh, Resident of Village+Post- Manjhawari, P.S.- Simari, District- Buxar.
8. Dinanath Ram, Son of Late Sarju Ram, Resident of Village+Post- Simari, Dudhipatti, P.S.- Simari, District- Buxar.
9. Durgawari Devi, Wife of Shri Budhan Pandey, Resident of Village+Post-Dudhipatti, Simari, P.S.- Simari, District- Buxar.
10. Sushil Kumar Mishra, Son of Sri Ram Kishor Mishra, Resident of Village+Post- Simari, Dudhipatti, P.S.- Simari, District- Buxar.
11. Bhagmani Devi, Wife of Shri Paras Nath Rai, Resident of Village+Post Simari, P.S.- Simari, District- Buxar.
12. Manoj Kumar Sharma, Son of Late Mahendra Sharma, Resident of Village-Simari, Halwapatti, P.O.+P.S.- Simari, District- Buxar.
13. Sri Ram Yadav, Son of Shri Shiv Dular Yadav, Resident of Village+Post-Gangauli, P.S.- Simari, District- Buxar.
14. Anil Kumar Ojha, Son of Late Daya Shankar Ojha, Resident of Village+Post-Barka Singhanpura, P.S.- Simari, District- Buxar.
15. Sardha Nand Ram, Son of Late Kshatra Dhari Ram, Resident of Village-Simari Khairapatti, P.O.+P.S.- Simari, District- Buxar.
16. Hridya Nand Ram, Son of Late Kshatradhari Ram, Resident of Village-Simari Khairapatti, P.O.+P.S.- Simari, District- Buxar.
17. Lalbabu Prasad Keshri, Son of Late Keshav Keshari, Resident of Village+Post- Simari Dudhipatti, P.S.- Simari, District- Buxar.
18. Nagendra Prasad Keshari, Son of Shri Dinanath Prasad Keshri, Resident of Village- Simari Khairapatti, P.O.+P.S.- Simari, District- Buxar.



19. Sunaina Devi, Wife of Nandlesh Pandey, Resident of Village- Bakulaha, Simari, P.O.+P.S.- Simari, District- Buxar.
20. Rahman Mohamad, Son of Sri Sultan Mohamad, Resident of Village- Barka Gaon, P.O.- Nagpura, P.S.- Simari, District- Buxar.
21. Paras Nath Singh, Son of Late Ram Newaj Singh, Resident of Village Bhan Bharauli, P.O.+P.S.- Simari, District- Buxar.
22. Birendra Prasad, Son of Shri Ram Nath Prasad, Resident of Village+P.O.- Dudhipatti, Simari, P.S.- Simari, District- Buxar.
23. Sri Kant Dubey, Son of Shri Kashinath Dubey, Resident of Village+P.O.+P.S.- Simari, District- Buxar.
24. Mahendra Ram, Son of Late Lalan Ram, Resident of Village- Dharmapura, P.S.- Indor, P.S.- Itarhiu, District- Buxar.
25. Santosh Kumar Pandey, Son of Shri Sudarshan Pandey, Resident of Village+P.O.- Chaki Pandey Dera, P.S.- Brahmpur, District- Buxar.
26. Sushil Kumar Choubey, Son of Shri Shaligram Choubey, Resident of Village+P.O.- Dumari, P.S.- Simari, District- Buxar.
27. Hari Bansh Ram, Son of Late Sahdeo Ram, Resident of Village- Simari, Halwapatti, P.O.+P.S.- Simari, District- Buxar.
28. Meera Sinha, Wife of Shri Awadesh Lal, Resident of Village- Rajpur Beni Lal Ke Dera, P.O.+P.S.- Simari, District- Buxar.
29. Ravindra Dubey, Son of Shri Deomuni Dubey, Resident of Asha Parari, P.S. Simari, District- Buxar.
30. Dadan Yadav, Son of Shri Ram Beyas Yadav, Resident of Village+P.O.- Barkarajpur, P.S.- Simri, Dist- Buxar.
31. Nilima Devi, Wife of Shri Jairam Thakur, Resident of Village Tilak Rai Hata, Post Barka Rajpur, P.S.- Simari, District- Buxar.
32. Uma Devi, Wife of Shri Satyanand Mishra, Resident of Village+P.O.- Barkarajpur, P.S.- Simri, Dist- Buxar.
33. Surendra Kumar Thakur, Son of Late Siddhnath Thakur, Resident of Village- Dullahpur, P.O.- Niyajipur, P.S.- Simari, District- Buxar.
34. Sanjay Kumar Thakur, Son of Shri Tarkeshwar Thakur, Resident of Village+P.O.- Gangauli, P.S.- Simari, District- Buxar.
35. Usha Devi, Daughter of Ram Lal Singh, Resident of Village- Yadupurba, P.O.- Sarenja, P.S.- Rajpur, District- Buxar.
36. Rajesh Kumar Choubey, Son of Late Gorak Nath Choubey, Resident of Village- Civil Line Khadan Area, P.O.+P.S.- Buxar Town, District- Buxar.
37. Rajesh Kumar Yadav, Son of Shri Ram Nath Yadav, Resident of Village- Tawakal Rai Ke Dera, P.S.- Simari, District- Buxar.
38. Chhathu Yadav, Son of Bishwanath Yadav, Resident of Village- Niyajipur Lal Singh Ke Dera, P.S.- Simari, District- Buxar.
39. Surendra Yadav, Son of Shri Rajnath Yadav, Resident of Village- Tilak Rai Ka Hata, P.S.- Simari, District- Buxar.
40. Tribhuwan Prasad, Son of Shri Barmeshwar Prasad, Resident of Village- Srikant Rai Ka Dera, Post Gangauli, P.S.- Simari, District- Buxar.
41. Rama Shankar Ram, Son of Shri Birja Ram, Resident of Village- Niyajipur Garjan Pathak Ke Dera, P.O.- Gangauli, P.S.- Simari, District- Buxar.
42. Parshuram Yadav, Son of Shri Shiv Shankar Yadav Yadav, Resident of Village- Niyajipur Jiyan Ke Dera, P.O.- Niyajipur, P.S.- Simari, District- Buxar.
43. Ganga Sagar Singh, Son of Shri Paras Nath Singh, Resident of Village- Jiyajipur Abilakh Yadav Ke Dera, P.S.- Simari, District- Buxar.



44. Chhathu Lal Yadav, Son of Shri Ram Govind Yadav, Resident of Village- Garjan Pathak Ke Dera, P.O.- Gangauli, P.S.- Simari, District- Buxar.
45. Ramanuj Pathak, Son of Ramji Pathak, Resident of Village- Dada Baba Ke Dera, P.O.- Niyajipur, P.S.- Simari, District- Buxar.
46. Rameshwar Mishra, Son of Shri Shiv Shankar Mishra, Resident of Village+P.O.- Barka Gaon Nagpura, P.S.- Simari, District- Buxar.
47. Manoj Kumar Mishra, Son of Late Narendra Kumar Mishra, Resident of Village+Post- Barka Singhanpura, P.S.- Simari, District- Buxar.
48. Sarvendra Ojha, Son of Shri Atrimuni Ojha, Resident of Village+Post Kharahatar, P.S.- Simari, District- Buxar.
49. Ravi Ranjan Kumar, Son of Late Ram Narayan Kumar, Resident of Village+Post- Dumari, P.S.- Simari, District- Buxar.
50. Ramesh Kumar Upadhyay, Son of Late Bhrigunath Upadhyay, Resident of Village- Bagahipatti, P.O.- Mahila, P.S.- Itarhi, District- Buxar.
51. Bashisth Tiwary, Son of Late Sita Ram Tiwary, Resident of Village+P.O.- Barka Singhanpur, P.S.- Simari, District- Buxar.
52. Sanjay Kumar Upadhyay, Son of Shri Nilambar Upadhyay, Resident of Village+Post- Chilahari, P.S.- Dumaraw, District- Buxar.
53. Manoj Kumar Pandey, Son of Late Lalan Pandey, Resident of Village+Post- Chilahari, P.S.- Dumaraw, District- Buxar.
54. Kamaldeo Ojha, Son of Shri Ram Sevak Ojha, Resident of Village- Kharahatar, P.S.- Simari, District- Buxar.
55. Sushil Mishra, Son of Late Sudarshan Mishra, Resident of Village+Post- Dumari, P.S.- Simari, District- Buxar.
56. Harendra Ojha, Son of Shri Atarimuni Ojha, Resident of Village+P.O.- Kharahatar, P.S.- Simari, District- Buxar.
57. Drauopadi Devi, Wife of Shri Sarvenera Ojha, Resident of Village+Post- Kharahatar, P.S.- Simari, District- Buxar.
58. Markandey Pandey, Son of Late Rama Shankar Pandey, Resident of Village- Ojhawalia, P.O.- Parasiya, P.S.- Brahmpur, District- Buxar.
59. Madhu Srivastava, Wife of Shri Sanjay Srivastava, Resident of Village- Chandpali, Post Nagawa, P.S.- Simari, District- Buxar.
60. Hardeo Prasad Singh Yadav, Son of Late Ram Chij Singh Yadav, Resident of Village- Manikpur, P.O.- Keshopur, P.S.- Simari, District- Buxar.
61. Saroja Devi, Wife of Late Nagendra Mishra, Resident of Village+P.O.- Keshopur, P.S.- Simari, District- Buxar.
62. Bans Narayan Roy, Son of Shri Bandhu Roy, Resident of Village+P.O.- Gajadhar Ganj, P.S.- Buxar Nagar, District- Buxar.
63. Anupurna Devi, Wife of Shri Arbind Mishra, Resident of Village- Barkagaon Sabalpatti, P.O.+P.S.- Simari, District- Buxar.
64. Malti Devi, Wife of Shri Kashinath Prasad, Resident of Village+P.O.+P.S.- Dumraon, District- Buxar.
65. Gita Devi, Wife of Shri Birbal RAI, Resident of Village- Narahi, P.O.- Rauni, P.S.- Rajpur, District- Buxar.
66. Ramjee Choudhary, Son of Shri Ramdeo Choudhary, Resident of Village- Nagawa Bin Dera, P.O.- Nagawa, P.S.- Simari, District- Buxar.
67. Ashok Kumar Paswan, Son of Shri Hari Paswan, Resident of Village- Akdar, P.O.-Hattinpur, P.S.- Brahmpur, District- Buxar.
68. Birendra Prasad, Son of Late Nirnanjan Prasad, Resident of Village+Post- Umedpur, P.S.- Brahmpur, District- Buxar.
69. Tej Narayan Choudhary, Son of Late Shivbeyas Choudhary, Resident of Village+Post- Akarasi, P.S.- Bagengola, District- Buxar.



70. Hare Ram Pandey, Son of Late Hari Bansh Pandey, Resident of Village+Post- Nadan, P.S.- Dumaraon, District- Buxar.
71. Nasareen Nikahat, Wife of Parvez Imam, Resident of Village- Katkauli, P.O.- Ahirauli, P.S.- Buxar Industrial, District- Buxar.
72. Banjhu Ram, Son of Shri Amawas Ram, Resident of Village+P.O.- Kamarpur, P.S.- Kamarpur, District- Buxar.
73. Ajit Kumar Ram, Son of Sri Dasarath Prasad, Resident of Village- Dharmapura, P.O.- Pasaraha, P.S.- Itarhi, District- Buxar.
74. Vidhya Sagar Dubey, Son of Late Raja Ram Dubey, Resident of Village- Balapur, P.O.- Churamanpur, P.S.- Industrial Buxar, District- Buxar.
75. Binod Kumar Singh, Son of Shri Munmun Singh, Resident of Village- Itauhana, P.O.- Tigana Basaw Kala, P.S.- Itarhi, District- Buxar.
76. Satyendra Singh, Son of Late Palatu Singh, Resident of Village+P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar.
77. Anirudha Singh, Son of Late Sonapati Singh, Resident of Village- Dharahara, P.O.- Turiganj, P.S.- Krishna Brahm, District- Buxar.
78. Om Prakash Singh, Son of Late Dhanpal Singh, Resident of Village+P.O.- Sowar, P.S.- Krishna Brahm, District- Buxar.
79. Baban Singh, Son of Shri Bhola Singh, Resident of Village- Natadera, P.O.- Ariyawan, P.S.- Krishna Brahm, District- Buxar.
80. Urmila Devi, Wife of Shiv Prasan Prasad, Resident of Village+P.O.- Chhatnawar, P.S.- Krishna Brahm, District- Buxar.
81. Ajay Kumar Prasad, Son of Ram Sanchi Prasad, Resident of Village+P.O.- Chhatnawar, P.S.- Krishna Brahm, District- Buxar.
82. Kaushalya Devi, Wife of Gopal Prasad, Resident of Village- Nomia Dera, P.O.- Amasari, P.S.- Dumraon, District- Buxar.
83. Bir Bahadur Singh, Son of Shri Kashinath Singh, Resident of Village- Banneji Dera, P.O.- Purana Bhojpur, P.S.- Dumaraon, District- Buxar.
84. Ajay Kumar Pathak, Son of Shri Nandji Pathak, Resident of Village- Bharkahara, P.O.- Nenua, P.S.- Dumaraon, District- Buxar.
85. Kalawati Kumari, Wife of Jitendra Bahadur Singh, Resident of Village- Banneji Dera, P.O.- Purana Bhojpur, P.S.- Dumaraon, District- Buxar.
86. Satyendra Kumar Rai, Son of Late Lachhuman Rai, Resident of Village- Udiyanganj, P.O.- Chhatnawar, P.S.- Krishna Brahm, District- Buxar.
87. Indrawati Devi, Wife of Late Praduman Singh, Resident of Village+Post- Ariyawan, P.S.- Krishna Brahm, District- Buxar.
88. Mahendra Kumar Singh, Son of Late Ramji Singh, Resident of Village+Post- Ariyawan, P.S.- Krishna Brahm, District- Buxar.
89. Nand Bihari Singh, Son of Late Godhan Singh, Resident of Village- Dubhaki, Post Ariyawan, P.S.- Krishna Brahm, District- Buxar.
90. Sumitra Devi, Wife of Dharendra Singh, Resident of Village- Samausar, Post- Bahuara, P.S.- Nawanagar, District- Buxar.
91. Lalita Devi, Wife of Chandra Shekhar Singh, Resident of Village- Dubhaki, Post- Ariyawan, P.S.- Krishna Brahm, District- Buxar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mr. Ranjan Kumar
For the Respondent/s	:	Mr. Ranjan Kumar, Adv.
For Private Respondents.		Mr. Mayashankar Mishra, Adv. Mr. Nagendra Upadhyay, Adv.



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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-01-2018

The only objection raised in this appeal is that the Hon'ble Supreme Court in S.L.P. (Civil) No.32079 of 2015, while dismissing the petition of the State Government, has only restricted the benefit to such of the employees who had approached the High Court, but thereafter on liberty granted by the Hon'ble Supreme Court in a petition filed directly under Article 32 of the Constitution, being Writ Petition (Civil) No.883 of 2016, the matter was again considered by a Co-ordinate Bench of this Court in various cases, including M.J.C. No.3765 of 2016 wherein Division Bench considered all these issues and the benefit was granted. Even this Bench on 12.1.2018 in L.P.A. No.1968 of 2016 has granted benefit to certain petitioners who had approached this Court subsequently.

That being the factual position, we see no reason to interfere into the matter. In fact, while deciding the writ petition the learned Writ Court has taken note of all these factors and allowed the benefit to the employees, primarily in view of the Division Bench clarification recorded in M.J.C. No.3765 of 2016 which has



been reproduced in extenso by the learned Writ Court, and taking note of all these factors, we are not inclined to interfere into the matter.

Accordingly, the appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31.1.2018
Transmission Date	

