

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1048 of 2017
arising out of
Civil Writ Jurisdiction Case No.2314 of 2017

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

... .. Respondents-Appellant/s

Versus

1. Satyendra Prasad Yadav @ Satyendra Pd. Yadav son of Shri Narayan Prasad Yadav resident of village - Litiyahi, Post - Dinapatti, P.S. - Pipra, District - Supaul.
2. Raj Nandan Kumar son of Shri Sukhdeo Kamat resident of village - Makroy Nautol, P.S. - Pipra, District - Supaul.
3. Satish Kumar Singh son of Late Shri Pitambar Singh resident of village - Anandi Patti, Post - Maheshpur, P.S. - Ganpat Ganj, District - Supaul.
4. Rambha Ranjan daughter of Shri Deo Narayan Mandal resident of village + Post - Bsha, P.S. - Pipra, District - Supaul.
5. Gajendra Yadav Son of Late Shri Bhagwat Yadav resident of Village + Post - Lattaina, P.S. - Triveniganj, District - Supaul.
6. T.B. Sanjan wife of Shri Baldev Yadav resident of Village - Mayurba, Post - Kushaho, P.S. - Triveniganj, District - Supaul.
7. Uday Nand Bishwas son of Shri Beda Nand Bishwas resident of Village - Makroy, Post - Maheshpur, P.S. - Pipra, District - Supaul.
8. Md. Zannat Hussain @ Md. Zainnat Hussain son of Md. Allauddin resident of Village + Post - Sakhua, P.S. - Pipra, District - Supaul.
9. Kundan Kumar Gupta son of Shri Singeshwar Prasad Gupta resident of Village + Post + P.S. - Pipra, District - Supaul.
10. Rabindra Mandal son of Late Shri Jagannath Mandal resident of Village + Post - Sakhua Panchagat Dinapatti, P.S. - Pipra, District - Supaul.
11. Keshav Kumar Singh Son of Shri Madan Prasad Yadav resident of Village + Post - Koshali Patti, P.S. - Pipra, District - Supaul.
12. Manoj Kumar Son of Shri Madan Prasad Yadav resident of Village + Post - Kaushalipatti, P.S. - Pipra, District - Supaul.
13. Chandeshwari Yadav @ Chandeshwari Prasad Yadav son of Shri Chichai Prasad Yadav resident of Village - Sukhasani, Post - Dinapatti, P.S. - Pipra, District - Supaul.
14. Braham Dev Mandal son of Late Shri Bhuneshwar Mandal resident of Village + Post - Tulapatti, P.S. - Pipra, District - Supaul.
15. Chandrashekhar Mandal son of Late Shri Bhaju Mandal resident of Village + Post - Tulapatti, P.S. - Pipra, District - Supaul.
16. Visheshwar Sahu @ Visheshwar Sah son of Late Shri Nakchhedi Sah resident of Village + Post - Tulapatti, P.S. - Pipra, District - Supaul.
17. Fuleshwar Mandal son of Late Shri Shanichar Mandal resident of Village + Post - Tulapatti, P.S. - Pipra, District - Supaul.



18. Kumari Anusiya wife of Shri Kamleshwari Mandal resident of Village + Post - Tulapatti, P.S. - Pipra, District - Supaul.
19. Kamleshwari Mandal son of Bhaju Mandal resident of Village + Post - Tulapatti, P.S. - Pipra, District - Supaul.

... .. Petitioners- Respondent/s

Appearance :

For the Appellant/s : Mr. Mr. Ranjan Kumar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-02-2018

Re.: Interlocutory Application No.5274 of 2017

Delay of 111 days in filing of the Letters Patent Appeal is condoned.

Interlocutory Application stands allowed and disposed of.

Re.: Letters Patent Appeal No. 1048 of 2017

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)

(Rajeev Ranjan Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.02.2018
Transmission Date	

