

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2300 of 2017

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Hassan Imam S/o- late Sarfuddin Ahmad Resident of:- Mohalla - Shumali,
P.S.- Sherghati, District- Gaya ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development, Govt. of Bihar, Patna.
 2. The Principal Secretary, Human Resources Development, Govt. of Bihar, Patna.
 3. The Director Primary Education, Govt. of Bihar, Patna.
 4. The Regional Deputy Director of Education, Magadh, Region, Gaya.
 5. The District Superintendent of Education, Gaya.
 6. The Block Education Extension Officer, Sherghati, Gaya.
 7. The Head Master, Urdu Primary School, Badeyari (Barachatti), District- Gaya
... Respondents
- =====

Appearance :

For the Petitioner : Mr. Prakritita Sharma, Adv.
For the Respondents : Mr. Prabhat Ranjan Singh, AC to AAG XV

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 15-03-2018 Heard the learned counsel for the petitioner and
the learned counsel appearing for the State.

Learned counsel for the petitioner submits that similar order was passed by a coordinate Bench of this Court in C.W.J.C. No. 266 of 2009 vide order, dated 22nd June, 2011. Similar view was expressed by another coordinate Bench of this Court, which is reported in **2018(1) P.L.J.R., 112 (Md. Hasibullah Vrs. the State of Bihar & Ors.)**. Learned counsel submits that the case of the petitioner is identical to the cases decided by this Court, including one reported in **2018(1) P.L.J.R., 112 (supra)**. She submits that the case of the petitioner is identical and, as such, this Court may dispose off the writ



application on the same line and similar relief may be granted to this petitioner.

The State Government has declared its Litigation Policy in 2011 wherein they have professed that they will extend similar treatment to similarly circumstanced, in case decision is rendered by a competent Court in favour of the employee. The officers of the same is acting in breach of the litigation policy and the present case is celebrated example of the State Government. Once the Court has decided the issue in favour of the similarly circumstanced employee there is no need to compel similarly circumstanced other employee to approach the writ Court to obtain similar order as it is in teeth of the Litigation Policy 2011. Despite several decisions, quashing the order, impugned, yet this petitioner was compelled to approach this Court for getting the same relief.

In view of the fact that similar issue was examined by coordinate Bench and the same impugned order was quashed by the coordinate Bench, the Court see no reason to make a departure, particularly, in view of the Litigation Policy 2011 of the State Government. This Court is of the view that the similar benefit should be extended to the petitioner, like the petitioner of the reported judgment **2018(1) P.L.J.R., 112** (supra), and



necessary decision, in this regard, for extending similar benefit be taken by the respondents within a maximum period of sixty days, from the date of receipt/production of this order.

With the aforesaid observations, this writ application stands **allowed**.

(Anil Kumar Upadhyay, J)

Shamshad/-

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