

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4641 of 2019

1. Sadique Reza and Anr Son of Late Wasir Ahmad Sidiquie Resident of Village- Rudauli, P.S.- Bajpatti, District- Sitamarhi at present Block Teacher, Govt. Middle School, Bela Shanti Kutir, Block- Nanpur, District- Sitamarhi.
2. Sushil Kumar Mishra Son of Late Kanhaiya Lal Mishra Resident of Village- Sasaula Kala, PS- Pupri, District- Sitamarhi, at present Block Teacher, Middle School Barahi Chintaman, Block- Barahi, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, Vikash Bhawan, Govt. of Bihar, Patna.
3. The Director, Primary Education, Department of Education, Vikash Bhawan, Govt. of Bihar, Patna.
4. The District Education Officer, Sitamarhi.
5. The District Programme Officer (Establishment) Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bishnu Kant Dubey
For the Respondent/s : Mr.Smt.Binita Singh (Sc28)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 11-03-2019

1. The learned counsel for the petitioners submits that the present writ petition is covered by a judgment rendered by the Hon'ble Apex Court in the case of *Mukesh & Another v. State of Bihar and Others* reported in *(2017) 5 SCC 383*.

2. The learned counsel for the respondents submits that the District Programme Officer (Establishment), Sitamarhi shall examine the case of the petitioners and take appropriate decision and in case, the case of the petitioners is found to be



similar to that of the case of the appellants of the aforesaid judgment rendered by the Apex Court in the case of *Mukesh & Another (supra)*.

3. Having regard to the facts and circumstances of the case, the present writ petition is disposed of with liberty to the petitioners to file representation before the respondent no. 5 annexing the copy of the aforesaid judgment within a period of four weeks from today, whereafter the respondent no. 5 shall examine the case of the petitioner in light of the aforesaid judgment in the case of *Mukesh & Another (supra)* and take a final decision within a period of eight weeks thereafter.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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