

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3483 of 2019**

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Dipak Kumar S/o Virendra Prasad Sinha Vill. and Po and P.s.- Kalyanpur,  
Distt.-Samastipur, presently posted as Block Teacher in Govt. Upgraded  
Middle School, Morwara, Block-Kalyanpur, Distt.-Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Principal Secretary, Department of Education, Govt. of Bihar, Patna
2. The Director Primary Education, Department of Education, Govt. of Bihar, Patna
3. The District Education Officer Samastipur
4. The District Programme Officer (Establishment) Samastipur
5. The Block Education Officer Kalyanpur, Distt.-Samastipur

... .. Respondent/s

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**Appearance :**

|                      |   |                            |
|----------------------|---|----------------------------|
| For the Petitioner/s | : | Mr.Abhay Kumar Jha         |
| For the Respondent/s | : | Mr.Madhaw Pd. Yadaw (Gp23) |
|                      | : | Mr. Arvind Kumar           |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL JUDGMENT**

**Date : 25-02-2019**

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

2. *Per contra*, the learned counsel for the respondents submits that the respondent no. 4 shall examine the case of the petitioner and in case, it is found that the case of the petitioner is covered by the aforesaid judgment passed in the case *Mukesh and Another (supra)*, similar benefit would be given to the petitioner herein.



3. Having regard to the facts and circumstances of the present case, the writ petition is disposed of with liberty to the petitioner to file an appropriate representation before the respondent no. 4 annexing copy of the aforesaid judgment passed in the case of *Mukesh and Another (supra)* within a period of four weeks from today and the respondent no. 4 shall examine the case of the petitioner and in case, the case of the petitioner is found similar to that of the aforesaid case, similar benefits would be granted 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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