

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8202 of 2019

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1. Ashok Kumar Singh S/o Late Surya Singh Resident of Village-Mahachchi,P.S.Majhoulia,Dist.-West Champaran
 2. Rajesh Kumar Jha S/o Gajadhar Jha Resident of Village-Jabdol,P.S. Chanpatia,Dist.-West Champaran
 3. Madhav Rai Sharma S/o Late Jagannath Rai Resident of Village-Jabdol,P.S. Ckhanpatia,Dist.-West Champaran
 4. Sheela Kumar @ Shila Kumari W/o Shri Awadhesh Rai Resident of Village-Rarhiya,P.S. Gobindganj,Dist.-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary,Education Department,New Secretariat,Patna
2. The Regional Deputy Director of Education,Tirhut Division,Muzaffarpur
3. District Education Officer, West Champaran at Bettiah,Dist.W.Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pratap Sharma
For the Respondent/s : Mr.Smt. Binita Singh (Sc28)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-04-2019 The short issue involved in the present case is that though the Regional Deputy Director of Education, Tirhut Division, Muzaffarpur has passed the impugned order dated 31.03.2018 holding that since the Title Appeal no. 14 of 2018 is pending in the Court of the District Judge, West Champaran, Bettiah, no relief can be granted to the petitioner herein but the petitioner has annexed a judgment dated 25.09.2018 passed by the learned court of District Judge, West Champaran, Bettiah in Title Appeal no. 14 of 2018, whereby and whereunder the said



Title Appeal filed by the State of Bihar has been dismissed and the judgment and decree dated 28.02.2017 and 01.03.2017 passed by the learned Munsif, Bettiah in Title Suit no. 41 of 2012, whereby and whereunder the suit has been decreed in favour of the petitioner and others, has been upheld.

It is the submission of the learned counsel for the petitioner that since the Title Appeal has now stood dismissed, the petitioner is entitled to all such reliefs as are available to him under the law in accordance with the original judgment and decree dated 28.02.2017 and 01.03.2017 respectively passed by the learned Munsif, Bettiah in Title Suit no. 41 of 2012, as upheld by the judgment dated 25.09.2018 passed by the learned District Judge, West Champaran, Bettiah in Title Appeal no. 14 of 2018.

The learned counsel for the respondents does not dispute the position as existing in law.

Having regard to the facts and circumstances of the case, the order dated 31.03.2018 passed by the Regional Deputy Director of Education, Tirhut Division, Muzaffarpur is set aside and the respondent no. 2 is directed to pass a fresh order in terms of the aforesaid judgements dated 28.02.2017 and 25.09.2018, pertaining to the petitioners' reinstatement in



service and payment of arrears of salary. It is expected that the respondent no. 2 shall pass appropriate orders within a period of four weeks from the date of receipt/ production of a copy of this order.

The present writ petition stands allowed.

(Mohit Kumar Shah, J)

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