

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10018 of 2019

1. Yogesh Kumar Mandal, S/o Late Wakil Mandal, Resident of Maa Tara Colony, Chhoti Hasanganj, P.O.- Mirjanhat, P.S.- Mojahidpur, Town and District- Bhagalpur, presently posted as Assistant Teacher, Primary School, Chakmahmood, P.S.- Rajoun, District- Banka.
2. Gopalji Bharti, S/o Janardan Prasad Singh, Resident of Village and P.O.- Warsabad, P.S.- Shambhuganj, District- Banka, presently posted as Assistant Teacher, Primary School, Gaurahi, P.S.- Shambhuganj, District- Banka.
3. Md. Aehtesham Uddin, S/o Md. Zahir Uddin Ansari, R/o Mohiuddinpur, Chamartoli Lane, P.O.- Champanagar, P.S.- Nathnagar, District- Bhagalpur, presently posted as Assistant Teacher, Govt. Middle School, Nathnagar No.1, Nagar Nigam, Bhagalpur.
4. Md. Raihan Akhtar, S/o Md. Abdul Quddus, Resident of Village Rabbidih, P.O.- Batsar, P.S.-Dhoraiya, District- Banka, presently posted as Assistant Teacher, Urdu Primary School, Chapri, P.S.- Dhoraiya, District- Banka.
5. Md. Tanbir Ashraf, S/o Md. Taiyab Ali, Resident of Village and P.O.- Kathon, P.S.- Katoriya, District- Banka, presently posted as Assistant Teacher, Urdu Middle School, Ghormara, Katoria, District- Banka.
6. Md. Zeyaul Haque, S/o Late Ainul Haque, Resident of Village- Gulzarbagh, P.O. and P.S. District- Godda (Jharkhand), presently posted as Assistant Teacher, U.M.S, Govidpur, P.O. and P.S.- Panjwara, Anchal- Barahat, District- Banka.

... .. Petitioner/s

Versus

1. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Director, Primary Education Department, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Bhagalpur.
4. The District Education Officer, Banka.
5. The District Program Officer (Establishment), Banka.
6. The District Education Officer, Bhagalpur.
7. The District Program Officer (Establishment), Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Purushottam Kumar Jha
For the Respondent/s : Mr.Subash Chandra Mishra (Sc16)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-05-2019 At the outset, the learned counsel for the petitioners

 seeks to withdraw the present writ petition qua the petitioner



no.3, namely, Md. Aehtesham Uddin.

Accordingly, the present writ petition stands disposed of as withdrawn qua the petitioner no.3, however, with liberty to file a fresh writ petition.

At this juncture, the learned counsel for the petitioner No.3 submits that since court fees has been deposited in the present proceedings, let off thereof be permitted in the subsequent writ petition to be filed by petitioner No.3.

It is needless to State that since the petitioner no.3 has already paid the requisite court fee in the present writ petition, however, on account of technicality, he has been compelled to withdraw the writ petition, it would be equitable to direct that in case the petitioner no.3 files a fresh writ petition, on the same subject matter, he would not be required to pay the court fees.

The learned counsel for the petitioners submits that the present case is squarely covered by the judgment dated 11.04.2018 passed by a co-ordinate Bench of this Court in CWJC No. 7322 of 2017 (**Abdus Samal vs. The State of Bihar & Ors.**).

Per contra, the learned counsel for the respondents submits that the respondent no.5 shall examine the case of the petitioners and in case it is found that the case of the petitioners



is similar to the case of Abdus Samal (supra), similar benefits would be extended to the petitioners herein.

Having regard to the facts and circumstances of the case, I grant liberty to the petitioners to approach the respondent no.5 by filing a representation within a period of four weeks from today, which shall be decided by the respondent no.5 within a period of six weeks thereafter and in case it is found that the case of the petitioners is similarly situated as the case of said Abdus Samal (supra), similar benefits shall be granted to the petitioners herein.

The present writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

Tiwary/-

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