

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1461 of 2020

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Gopal Poddar, Son of Late Jagdish Poddar, Resident of Village- Rajandipur,
Babupur, P.S.- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar Patna.
4. The Director, Mass Education, Government of Bihar, Patna.
5. District Magistrate, Bhagalpur
6. District Mass Education officer, Bhagalpur

... .. Respondent/s

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For the Petitioner/s	:	Mr Ajay Kumar Singh, Advocate
For the S t a t e	:	Mr M N H Khan, SC 1
For the Accountant Gneral	:	Dr Anand Kumar, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-02-2020

Learned counsel for the petitioner is permitted to correct the description of Respondents No 5 and 6 as District Magistrate, Bhagalpur and District Mass Education Officer, Bhagalpur in place of District Magistrate, Banka and District Mass Education Officer, Banka.

The claim in this writ petition is for absorption of the petitioner claiming to be Non-Formal Supervisor/Instructor earlier appointed by the Department of Education on stipend. The claim is made on the basis of certain orders passed on 21.04.2011 in CWJC No 8418 of 2010. The petitioner has approached this Court in this proceeding much after 26.02.2016.

Learned counsel for the State has brought to the notice of this Court order of the Division Bench dated



22.09.2019 passed in MJC No 243 of 2018. The relevant extract of the said order is being reproduced :

“In case, the judgment of this Court in MJC No 3765 of 2016 is upheld by the Supreme Court, ultimately the petitioners will have a liberty to approach the State Government and the State Government shall be obliged to consider their cases in terms of the judgment of the Hon’ble Supreme Court. These contempt applications are, thus, disposed of in terms stated hereinabove.

The writ applications which have been filed after 26th of February, 2016, except one as indicated hereinabove, are also disposed of on the same terms giving liberty to the petitioners to approach the State Government after the judgment of the Hon’ble Supreme Court in SLP (C) Diary No 25804 of 2017 if the Hon’ble Supreme Court grants any relief to the persons similarly situated to the petitioners.”

The parties, therefore, are in agreement that the petitioner would be at liberty to approach this Court if the relief that he is claiming is granted to other similarly situated after the judgment of the Hon’ble Supreme Court in SLP (C) Diary No 24804 of 2017.

The writ petition is, accordingly, dismissed.

(Madhuresh Prasad, J)

M.E.H./-

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