

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25091 of 2019

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Raj Rup Bhagat Son of Late Mangru Bhagat resident of Village- Khakhara, P.O.-
Kunda, P.S.- Muffasil, (Aurangabad), Anchal- Deo, Par Khanda, Panchayat- Hasoli,
District- Aurangabad, Bihar President, Bihar Rajya Anaupcharik Shiksha Anudeshak.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna, Bihar.
2. The Principal Secretary, Department of Human Resources Development, Patna, Bihar.
3. The Secretary, Department of Human Resources Development, Patna, Bihar.
4. The Principal Secretary, Department of Personnel and Administration Reforms, Patna, Bihar.
5. The Director, Primary Education, Vikash Bhawan, New Secretariat, Bihar, Patna.
6. The Commissioner, Magadh, Personnel, Gaya, Bihar.
7. The District Magistrate, Aurangabad.
8. The S.D.O., Aurangabad.
9. The District Education Officer, Aurangabad (Bihar).
10. The Block Development Officer, Deo, Aurangabad.
11. The Block Extension Education Officer, Deo, Aurangabad, Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Kedar Yadav

For the Respondent/s : Mr.Subhash Chandra Mishra (Sc16)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-02-2020

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 21.4.2011 in CWJC No. 8418 of 2010.

The petitioner has approached this Court in this proceeding much after 26.2.2016.

Counsel for the State has brought to the notice of this Court order of the Division Bench dated 22.9.2019 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)

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