

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.205 of 2021

In

Civil Writ Jurisdiction Case No.18219 of 2017

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1. The State of Bihar.
 2. The Principal Secretary, Department of Human Resources Development, Bihar Government, Patna.
 3. The Director, Primary Education, Government of Bihar, Patna.

... .. Appellant/s

Versus

1. Bhawesh Kumar son of Raj Kishore Yadav resident of Village- Manhara, P.S. and Block Murliganj, District Madhepura.
2. Lallan Kumar son of Badri Prasad Yadav resident of Village- Dharahara, P.S. and Block Murliganj, District Madhepura.
3. Suman Kumari wife of Sanjeev Kumar resident of Village- Rajni Goth, P.S. and Block Murliganj, District Madhepura.
4. Rakesh Kumar son of Shiv Narayan Yadav resident of Village- Sigiyan, P.S. and Block Murliganj, District Madhepura.
5. Lallan Kumar son of Shiv Narayan Yadav resident of Village- Haripur Sigiyan, P.S. and Block Murliganj, District Madhepura.
6. Lal Bahadur Shashtari son of Masunandan Das resident of Village- Ranipatti Dharahara, P.S. and Block Murliganj, District Madhepura.
7. Manj Kumar son of Yogendra Prasad Yadav resident of Village- Sigiyan, P.S. and Block Murliganj, District Madhepura.
8. Poonam Bharti wife of Alok Kumar resident of Village- Haripur Teen Konma, P.S. and Block Murliganj, District Madhepura.
9. Renu Kumari wife of Naveen Kumar resident of Village- Haripur Kala, P.S. and Block Murliganj, District Madhepura.
10. Babita Kumari wife of Jai Kishore resident of Village- Rampur Tola, P.S. and Block Murliganj, District Madhepura.
11. Kumari Kanchan Mala wife of Dinesh Kumar Dinkar resident of Village- Taghunathpur, P.S. and Block Murliganj, District Madhepura.
12. Nutan Kumari wife of Naveen kumar Nischal resident of Village- Rajni Goth, P.S. and Block Murliganj, District Madhepura.
13. Raj Kumar Das son of Jageshwar Das resident of Village- Rajni Goth, P.S. and Block Murliganj, District Madhepura.
14. Kavita Kumari wife of Raj Kumar Das resident of Village- Rajni Milick, P.S. and Block Murliganj, District Madhepura.
15. Anju Kumari wife of Sanjay Sah resident of Village- Dumaria, P.S. and Block Murliganj, District Madhepura.
16. Dropati Kumari wife of Rajendra Sah resident of Village- Pratap Nagar, P.S. and Block Murliganj, District Madhepura.
17. Jay Prakash Mandal son of Bindeshwari Mandal resident of Village-



Bhatkhora, P.S. and Block Murliganj, District Madhepura.

18. Sanjay Mandal son of Maheshwari Prasad Mandal resident of Village- Bhatkhora, P.S. and Block Murliganj, District Madhepura.
19. Pawan Kumar son of Ran Jendra Paswan resident of Village- Sakhuwa, P.S. and Block Murliganj, District Madhepura.
20. Vinod Kumar Yadav son of Siya Ram Prasad Yadav resident of Village- Sakhuwa, P.S. and Block Murliganj, District Madhepura.
21. Dev Raj Kumar son of Girendra Prasad Yadav resident of Village- Dinapatti, P.S. and Block Murliganj, District Madhepura.
22. Nathan Kumar Yadav son of Jay Krishna Yadav resident of Village- Khari, P.S. and Block Murliganj, District Madhepura.
23. Raj Kumar Lal son of Anil Kumar resident of Village- Dinapatti, P.S. and Block Murliganj, District Madhepura.
24. Pawan Kumar Paswan son of Surendra Paswan resident of Village- Haripur Teen Konma, P.S. and Block Murliganj, District Madhepura.
25. Basant Ram son of Manchu Ram resident of Village- Pokhram, P.S. and Block Murliganj, District Madhepura.
26. Prabhas Kumar Pappu son of Bhola Prasad Yadav resident of Village- Pokhra, P.S. and Block Murliganj, District Madhepura.
27. Rajendra Kumar son of Ramji Prasad Yadav resident of Village- Morkahi, P.S. and Block Murliganj, District Madhepura.
28. Md. Sadre Alam son of Md. Abdul Haakim resident of Village- Pokhram, P.S. and Block Murliganj, District Madhepura.
29. Surya Prakash son of Vishwanath Prasad resident of Village- Dibra Bazar, P.S. and Block Barhara, Kothi, District Purnea.
30. Poonam Kumari wife of Subhas Prasad Yadav resident of Village- Rampur, P.S. and Block Murliganj, District Madhepura.
31. Ajay Kumar son of Bindeshwari Prasad Yadav resident of Village- Dinapatti, P.S. and Block Murliganj, District Madhepura.
32. Shankar Das son of Sri Phuleswar Das resident of Village- Rajni Milik, P.S. and Block Murliganj, District Madhepura.
33. Manoj Kumar Thakur son of Sri Kanhaiya Thakur resident of Village- Bela, P.S. and Block Murliganj, District Madhepura.
34. Lalita Murmu daughter of Lakhi Ram Murmu, resident of Village- Haripur Teen Konma, P.S. and Block Murliganj, District Madhepura.
35. Pankaj Kumar son of Krishna Dev Verma resident of Village- Sonversa, P.S. and Block Shankarpur, District Madhepura.
36. Shrawan Kumar son of Nageshwar Yadav resident of Village- Moura Baghla, P.S. and Block Shankarpur, District Madhepura.
37. Rajesh Kumar son of Anul Lal Yadav resident of Village- Kaviyahi, P.S. and Block Shankarpur, District Madhepura.
38. Arvind Kumar Nirala son of Nityanand Yadav resident of Village- Kohluwa, P.S. and Block Shankarpur, District Madhepura.



39. Jay Kumar Yadav son of Khushi Lal Yadav resident of Village- Kaviyahi, P.S. and Block Shankarpur, District Madhepura.
40. Muneshwar Kumar son of Parmeshwari Yadav resident of Village- Kaviyahi, P.S. and Block Shankarpur, District Madhepura.
41. Baiju Pandit son of Bilash Pandit resident of Village- Mora Khap, P.S. and Block Shankarpur, District Madhepura.
42. Anmol Pandit son of Bilash Pandit resident of Village- Mora Khap, P.S. and Block Shankarpur, District Madhepura.
43. Upendra Mukhiya son of Bughan Mukhiya resident of Village- Chauraha, P.S. and Block Shankarpur, District Madhepura.
44. Savita Devi wife of Braham Devi Paswan resident of Village- Rayvir Tola Mushhari, P.S. and Block Shankarpur, District Madhepura.
45. Ram Sharan Ram son of Shree Lal Ram resident of Village- Champa- Nagar, P.S. and Block Shankarpur, District Madhepura.
46. Yogendra Yadav son of Sato Yadav resident of Village- Mora Khap, P.S. and Block Shankarpur, District Madhepura.
47. Bibi Zamzam wife of Md. Ziyaullah resident of Village- Kolhuwa, P.S. and Block Shankarpur, District Madhepura.
48. Ram Chandra Prasad Yadav son of Sri Satya Narayan Yadav resident of Village- Telyarahi, P.S. and Block Shankarpur, District Madhepura.
49. Lal Bahadur Yadav son of Nande Lal Yadav resident of Village- Moura, P.S. and Block Shankarpur, District Madhepura.
50. Sushil Kumar son of Deo Narayan Yadav resident of Village- Damha, P.S. Gamhariya, Block Singheshwar, District Madhepura.
51. Anmol Kumar son of Bhupendra Prasad Yadav resident of Village- Jaj Hat, Sabaila, P.S. and Block Singheshwar, District Madhepura.
52. Binod Kumar son of Nand Kishore Mandal resident of Village- Sukhasan, P.S. and Block Singheshwar, District Madhepura.
53. Bipin Kumar son of Yogendra Ram resident of Village- Satokhwar, P.S. and Block Singheshwar, District Madhepura.
54. Rinku Kumar Yadav son of Shambhu Prasad Yadav resident of Village- Saropatti, P.S. and Block Singheshwar, District Madhepura.
55. Suresh Kumar Yadav son of Jagarnath Prasad Yadav resident of Village- Lalpur Saropatti, P.S. and Block Singheshwar, District Madhepura.
56. Arvind Kumar son of Jageshwar Pd. Yadav resident of Village- Sima Tola, P.S. and Block Singheshwar, District Madhepura.
57. Lalit Kumar Mandal son of Ramji Mandal resident of Village- Kamargama, P.S. and Block Singheshwar, District Madhepura.
58. Ravindra Ram son of Rohi Ram resident of Village- Kamargama, P.S. and Block Singheshwar, District Madhepura.
59. Santosh Kumar son of Bhumi Prasad Yadav resident of Village- Basha Tola, P.S. and Block Singheshwar, District Madhepura.
60. Ashok Kumar son of Satyadeo Sah resident of Village- Mohli (Manpur), P.S.



and Block Singheshwar, District Madhepura.

61. Ram Chandra Sah son of Satya Narayan Sah resident of Village- Mohuli, P.S. and Block Singheshwar, District Madhepura.
62. Ashok Kumar son of Upendra Prasad Kamat resident of Village- Patori, P.S. and Block Singheshwar, District Madhepura.
63. Bibha Devi wife of Mohan Sah resident of Village- Majar, P.S. and Block Singheshwar, District Madhepura.
64. Arjun Ram son of Lakshmi Ram resident of Village- Katiya, P.S. and Block Singheshwar, District Madhepura.
65. Subodh Kumar son of Bhagwat Kamt resident of Village- Saropatti, P.S. and Block Singheshwar, District Madhepura.
66. Binod Kumar son of Nand Kishore Mandal resident of Village- Sukhasan, P.S. and Block Singheshwar, District Madhepura.
67. Gajendra Kumar Sharma son of Satya Deo Sharma resident of Village- Katiya, P.S. and Block Singheshwar, District Madhepura.
68. Naveen Kumar Sharma son of Krishna Dev Sharma resident of Village- Lat Rahi, P.S. and Block Singheshwar, District Madhepura.
69. Lalit Kumar son of Badri Gupta resident of Village- Piprahi, P.S. Gamharia, Block Singheshwar, District Madhepura.
70. Hare Ram Kumar son of Bhaogi Lal Yadav resident of Village- Lalpur, P.S. and Block Singheshwar, District Madhepura.
71. Arun Kumar son of Jibachh Prasad Yadav resident of Village- Damha, P.S. Gamhariya, Block Singheshwar, District Madhepura.
72. Rekha Rani wife of Sanjay Tanti resident of Village- Sari Patti, P.S. and Block Singheshwar, District Madhepura.
73. Nutan Kumari wife of Sachidanand Mishra resident of Village- Saropatti, P.S. and Block Singheshwar, District Madhepura.
74. Arvind Kumar son of Upendra Prasad Yadav resident of Village- Parria Tola, P.S. and Block Madhepura, District Madhepura.
75. Jay Prakash Kumar son of Dinesh Yadav resident of Village- Lohani Tola, Sakarpura, P.S. and Block Madhepura, District Madhepura.
76. Anil Anand son of Guni Ram resident of Village- Chavsar, P.S. and Block Madhepura, District Madhepura.
77. Sanjeev Kumar son of Bhupendra Prasad Yadav resident of Village- Maheswa, P.S. and Block Madhepura, District Madhepura.
78. Chandra Kishore Kumar son of Kuldip Prasad resident of Village- Manpur, Gorhigari, P.S. and Block Madhepura, District Madhepura.
79. Shambhu Mehta son of Parmeshwari Mehta resident of Village- Choura, P.S. and Block Madhepura, District Madhepura.
80. Anjana Kumari wife of Nandan Kumar Nischal resident of Village- Dinapatti, P.S. and Block Madhepura, District Madhepura.
81. Santosh Kumar son of Tukendra Prasad Yadav resident of Village- Perrima (Dinapatti), P.S. and Block Madhepura, District Madhepura.



82. Abesh Kumar son of Keshav Prasad Yadav resident of Village- Balam, P.S. and Block Madhepura, District Madhepura.
83. Rina Devi wife of Santosh Kumar resident of Village- Balam, P.S. and Block Madhepura, District- Madhepura.
84. Birendra Kumar Ram son of Arjun Ram resident of Village- Mohanpur, P.S. and Block Madhepura, District- Madhepura.
85. Dip Narayan Mehta son of Mahadeo Mehta resident of Village- Choura, P.S. and Block Madhepura, District- Madhepura.
86. Umakant Kumar son of Deep Narayan Yadav resident of Village- Jagir Tola, P.S. and Block Madhepura, District- Madhepura.
87. Mukesh Kumar son of Tirpit Jha resident of Village- Sarouni Kal, P.S.- Bihariganj, Block Guwalpara, District- Madhepura.
88. Pinki Kumari wife of Akhilesh Das resident of Village- Jhitkia, P.S. and Block Guwalpara, District- Madhepura.
89. Arun Kumar Sharma son of Shivendra Kumar Sharma resident of Village- Shahpur Dudhela, P.S. and Block Guwalpara, District- Madhepura.
90. Sanjay Kumar Jha son of Jatadhar Jha resident of Village- Sarouni Kala, P.S. Bihariganj, Block Guwalpara, District- Madhepura.
91. Shiv Kumar son of Laxmi Paswan resident of Village- Jhitkia, Kalohta, P.S. and Block Guwalpara, District- Madhepura.
92. Pappu Kumar Sharma son of Shambhu Sharma resident of Village- Jhalari, P.S. and Block Guwalpara, District- Madhepura.
93. Sudhakar Kumar son of Sunil Yadav resident of Village- Jhitkiya, Kolohta, P.S. and Block Guwalpara, District- Madhepura.
94. Sadanand Ram son of Ganga Ram resident of Village- Jhalari, P.S. and Block Guwalpara, District- Madhepura.
95. Chandan Kumar son of Mohan Ram resident of Village- Sarauni Kala, P.S. Bihariganj Block Guwalpara, District- Madhepura.
96. Ashok Kumar Mukhiya son of Jagdish Mukhiya resident of Village- Jhalari, P.S. and Block Guwalpara, District- Madhepura.
97. Nirmal Kumar son of Subhas Yadav resident of Village- Chatra, P.S. and Block Guwalpara, District- Madhepura.
98. Manjur Alam son of Md. Hanif, resident of Village- Chatra, P.S. and Block Guwalpara, District- Madhepura.
99. Sarvendu Raman son of Shyamal Kishore Yadav resident of Village- Sapardah, P.S. and Block Puraini, District- Madhepura.
100. Niranjana Kumar son of Chhan Guri Sah resident of Village- Puraini, P.S. and Block Puraini, District- Madhepura.
101. Jay Prakash Kumar son of Ganesh Prasad Yadav resident of Village- Chatanma, P.S. and Block Puraini, District- Madhepura.
102. Prabhakar Mukhia son of Deep Narayan Mukhiya resident of Village- Nardah, P.S. and Block Puraini, District- Madhepura.
103. Vinod Kumar son of Nageshwar Sharma resident of Village- Nardah, P.S.



- . and Block Puraini, District- Madhepura.
- 104 Akhilesh Sharma son of Ramphal Sharma resident of Village- Fulpur, P.S.
. and Block Puraini, District- Madhepura.
- 105 Pawan Kumar Mehta son of Madhukar Prasad Mehta resident of Village-
. Fulpur, Chhabu Basa, P.S. and Block Puraini, District- Madhepura.
- 106 Umesh Kumar son of Shree Deo Dutt Prasad Yadav resident of Village-
. Chini Fulkaha, P.S. and Block Gamharia, District- Madhepura.
- 107 Sanjay Kumar son of Bindeshwari Thakur resident of Village- Chini
. Fulkaha, P.S. and Block Gamharia, District- Madhepura.
- 108 Bidiyanand Kumar son of Late Jagdish Ram, resident of Village- Chini
. Fulkaha, P.S. and Block Gamharia, District- Madhepura.
- 109 Arun Pandit son of Hira Lal Pandit resident of Village- Chini Fulkaha, P.S.
. and Block Gamharia, District- Madhepura.
- 110 Amlesh Kumar son of Kusheshwar Yadav resident of Village- Chini
. Fulkaha, P.S. and Block Gamharia, District- Madhepura.
111. Radhe Shyam Kumar son of Sube Lal Ram, resident of Village- Karihari,
. P.S. and Block Gamharia, District- Madhepura.
- 112 Kailash Yadav son of Baldeo Yadav resident of Village- Kaurihar, P.S. and
. Block Gamharia, District- Madhepura.
- 113 Chandra Bhushan Kumar son of Panalal Chaudhary resident of Village-
. Kaurihar, P.S. and Block Gamharia, District- Madhepura.
- 114 Gajendra Ram son of Bhatan Ram resident of Village- Tehri Kaurihar, P.S.
. and Block Gamharia, District- Madhepura.
- 115 Amrendra Kumar Azad son of Bidyanand Prasad resident of Village- Aarahi,
. Ekperha, P.S. and Block Gamharia, District- Madhepura.
- 116 Lal Mohar Mehta son of Kamleshwar Mehta resident of Village- Tarawe
. Kaurihar, P.S. and Block Gamharia, District- Madhepura.
- 117 Jay Narayan Mehta son of Bhuvneshwari Mehta resident of Village- Tarawa
. Kuvrihar, P.S. and Block Gamharia, District- Madhepura.
- 118 Uday Kumar Mehta son of Dheneshwar Mehta resident of Village-
. Gamharia, P.S. and Block Gamharia, District- Madhepura.
- 119 Ajay Kumar son of Sham Sundar Sharma resident of Village- Jiwachhpur,
. P.S. and Block Gamharia, District- Madhepura.
- 120 Gajendra Mehta son of Sri Devi Mehta resident of Village- Parwaha, P.S.
. and Block Gamharia, District- Madhepura.
- 121 Sudhir Kumar son of Deo Narayan Yadav resident of Village- Rampur
. Tapra, P.S. and Block Murliganj, District- Madhepura.
- 122 Manoj Kumar son of Bindeshwar Prasad Yadav, resident of Village- Jogbani
. Tola, P.S. and Block Gamharia, District- Madhepura.
- 123 Binod Kumar son of Dip Narayan Yadav resident of Village- Tengraha, P.S.
. and Block Kumarkhand, District- Madhepura.
- 124 Ghanshyam Kumar son of Dev Narain Chaudhary resident of Village-
. Piprahi, P.S. and Block Sinheshwar, District- Madhepura.



- 125 Raj Kishore Ram son of Late Jago Ram resident of Village- Vehri, P.S. and Block Sinheshwar, District- Madhepura.
- 126 Arvind Kumar son of Sri Banke Yadav resident of Village- Dular, Piprahi, P.S. and Block Sinheshwar, District- Madhepura.
- 127 Ramesh Kumar Raman son of Upendra Prasad Yadav resident of Village- Dular, P.S. Gamhari and Block Sinheshwar, District- Madhepura.
- 128 Lalit Kumar son of Sri Badri Prasad Gupta resident of Village- Dular Piprahi, P.S. Gamharia and Block Sinheshwar, District- Madhepura.
- 129 Anil Deo son of Satya Narayan Mandal resident of Village- Katchira (Arajpur), P.S. and Block Chausa, District- Madhepura.
- 130 Ashok Prasad son of Jagdambi Prasad resident of Village- Budh Chak (Arajpur), P.S. and Block Chausa, District- Madhepura.
- 131 Arbind Yadav son of Late Bindeshwari Yadav resident of Village- Nawada, P.S. Kharik, District- Bhagalpur.
- 132 Ful Kumari wife of Jang Bahadur Mandal resident of Village- Bhimjayawari, P.S. and Block Bhawanipur, District- Purnea.
- 133 Sujit Mandal son of Rameshwar Mandal, resident of Village- Gangania, P.S. and Block Sultanganj, District- Bhagalpur.
- 134 Sunil Kumar Pandit son of Sitaram Pandit resident of Village- Kheraihiya (East Cabin Akbarnagar), P.S. Akbarnagar, District- Bhagalpur.
- 135 Avdesh Kumar son of Satya Narayan Thakurm, resident of Village- Chhit Sri Rampur, P.S. Akbarnagar, District- Bhagalpur.
- 136 Rajesh Kumar son of Basudeo Prasad Yadav resident of Village- Gangapur, P.S. Akbarnagar, District- Bhagalpur.
- 137 Umesh Mandal son of Bhumi Mandal resident of Village- Yogiraj, P.S. Puraini, District- Madhepura.
- 138 Md. Jawed Alam son of Md. Jumman Ali, resident of Village- Dharara (Muslim Tola), P.S. and Block- Murliganj, District- Madhepura.
- 139 Kumari Sheikla Bharti wife of Prakash Ravi Das, resident of Village- Dharampurah, P.S. and Block- Bihpur, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhanjali (AC to GA 12) Mr. Ram Vinay Pd. Singh, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 08-07-2022



Heard learned counsels for the parties through virtual court proceedings.

2. The present appeal is presented by the State of Bihar against the order of the learned Single Judge dated 18.12.2018 passed in C.W.J.C. No. 18219 of 2017. The order of the learned Single Judge reads as under:

“Petitioners’ counsel submits that claim of the petitioners and the grounds raised by them are similar to the case of Prafful Kumar Mandal vs. the State of Bihar and others in C.W.J.C. No. 1109 of 2017. Order dated 19.9.2018, passed in said case covers issues involved in the present case. He submits that under similar circumstances, the Court vide order dated 19.9.2018, passed in another similar matter bearing C.W.J.C. No. 13677 of 2016 has directed the authorities to examine the issue and in case the same is found covered by the case of the Prafful Kumar Mandal then the petitioners are to be extended the similar benefits. He submits that if a similar order is passed, petitioners’ grievance are likely to be redressed.

In view of limited nature of prayer made by learned counsel for the petitioners, this writ petition is disposed of with the same observation. Authorities should examine claim of the petitioners and it is “covered matter” with that of C.W.J.C. No. 1109 of 2017, the authorities would be obliged to extend the same also taking into considering their own Bihar State Litigation Policy, 2011 and more specifically Clause 4(C)(1) thereof.”

3. Feeling aggrieved by the aforesaid order of the learned Single Judge, the present appeal is presented after lapse of two years one month and seventeen days.



4. Perusal of the reasons, it is as usual the file was being passed from one table to another table. Such a reasoning has been discussed elaborately by the Apex Court in the case of *State of Madhya Pradesh and Others vs. Bherulal* reported in (2020) 10 SCC 654. Further Apex Court in the case of *Municipal Corporation of Greater Mumbai and Others vs. Uday N. Murudkar* reported in (2021) 11 SCC 816 wherein the Apex Court reiterated delay in filing litigation by the State Government and proceeded to impose cost. In the light of these facts and circumstances, the appellants have not made out a case so as to condone enormous delay of two years one month and seventeen days.

5. Accordingly, appeal stands rejected with cost of Rs. 10,000/-. Cost shall be remitted in the Patna High Court Legal Service Committee, Patna High Court within a period of eight weeks from today.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	18.07.2022
Transmission Date	

