

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.382 of 2021

In
Civil Writ Jurisdiction Case No.3216 of 2019

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1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
 2. The Special Secretary of Department of Education Government of Bihar, Patna.
 3. The Director Primary Education, Department of Education, Government of Bihar, Patna.
 4. The District Education Officer Munger.
 5. The District Programme Officer (Establishment) Munger.

... .. Appellant/s

Versus

Balmukund Singh Son of Late Ajablal Singh Resident of Village- Farsha,
Police Station- Sangrampur, District- Munger.

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Abhanjali (A.C. To G.A.12)

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

3 01-08-2022 The present appeal is filed in the absence of

application for condonation of delay. That apart on merit

the learned Single Judge has passed the following order on

20.02.2019:-

*“The learned counsel
for the petitioner submits that the
present case is squarely covered
by a judgment dated 18.4.2018
passed in LPA No. 1472 of 2015
[The State of Bihar & Ors. vs.
Rhitoraj Saurabh & Ors.].*



The learned counsel for the respondents submits that the case of the petitioner shall be examined in light of the aforesaid judgment dated 18.4.2018 and appropriate decision shall be taken.

Having regard to the submissions made by the learned counsel for the parties, the present writ petition is disposed of with a direction to the respondent no.5 to examine the case of the petitioner within a period of eight weeks from today and in case the case of the petitioner is found to be similar to the aforesaid case, similar benefits, as has been granted to the respondents of the aforesaid judgment dated 18.4.2018, shall be granted to the petitioner within a period of four weeks thereupon”

State instead of considering the grievance of the Respondent in the light of aforesaid LPA decision with reference to appellant-Rhitoraj Saurabh & Ors. If the Respondent-Bal Mukund Singh's case is similar to Rhitoraj Saurabh in that event necessary analysis must be made by the concerned authority and proceed to pass order either rejecting or extending the benefit on par with Rhitoraj Saurabh or assigning the reason as to why Respondent-Bal Mukund Singh is not similar to that of Rhitoraj Saurabh in



that regard they are required to take decision in terms of the order of learned Single Judge. In such matter filing of appeal by the State is deprecated.

In the light of these facts and circumstances, the present LPA No. 382 of 2021 stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

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