

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18640 of 2021

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Mohammad Nasim Uddin Son of Late Nasir Uddin Resident of Village-Kharaia Basti Ward No.- 11, P.S- Araria, District- Araria, Retired Headmoulvi of Madrasa Madinatul Uloom, Kamaldaha, P.O. and P.S.- Kursakata District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resource Department, Bihar, Patna.
2. The Secretary, Finance Department, Govt. of Bihar, Patna.
3. The Special Director, Secondary Education, Bihar, Patna.
4. The District Education Officer, Araria, District- Araria.
5. The District Program Officer, Araria, District- Araria.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9193 of 2021

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Subodh Pandey son of Late Madan Mohan Pandey, resident of Village-Batauli, P.O.-Batauli, P.S. Sandesh, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Human Resources Development Department, Bihar, Patna.
2. The Secretary, Finance Department, Bihar, Patna.
3. The Special Director, Secondary Education, Bihar, Patna.
4. District Education Officer, Bhojpur.
5. The District Programme Officer, Bhojpur.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 18640 of 2021)

For the Petitioner/s : Mr. Md. Ziaul Quamar, Adv.

For the Respondent/s : Mr. Madanjeet Kumar, (Gp20)

(In Civil Writ Jurisdiction Case No. 9193 of 2021)

For the Petitioner/s : Mr. Raj Nandan Prasad, Adv.

For the Respondent/s : Mr. Smt. Binita Singh, (Sc28)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

Counsel for the petitioners submit that the case of

petitioners are covered as like that of decision made by this Hon'ble Court in C.W.J.C. No. 11015 of 2016 dated 23.12.2016 and C.W.J.C. No. 4145 of 2019 dated 28.01.2021 of the present writ petition. Whereas, counsel for the respondent no. 3 has submitted counter affidavit in which a resolution issued by the Education Department, Government of Bihar has been annexed in which, the said resolution was issued vide Memo No. 237 dated 20.02.1990. It transpires that issuing the said resolution, the order dated 23.12.2016 and 28.01.2021 passed in C.W.J.C. No. 11015 of 2016 and C.W.J.C. No. 4145 of 2019 respectively are not considered. In counter affidavit judgment dated 13.08.2019 passed in L.P.A. No. 43 of 2016 was discussed.

In this view of the matter, it is directed to the counsel for the petitioner that he shall file fresh representation before The Special Director, Secondary Education, Bihar, Patna who shall pass a reasoned order considering the judgments annexed in writ petition passed by the Court as well as the policy of the State within 6 weeks from the date of filing his fresh representation.

With the aforesaid direction, the writ application stands disposed off.

(Dr. Anshuman, J)

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