

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2841 of 2019

1. Birendra Kumar Singh And Anr S/o Sri Tarkeshwar Prasad Singh, R/o Bhatauli, P.S.- Sandesh, Dist.- Bhojpur.
2. Tarkeshwar Sharma, S/o Sri Krishnakant Sharma, R/o Chiraura, Naubatpur, P.S. Naubatpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Transport, Government of Bihar, Patna.
2. The Principal Secretary, Department of Transport, Government of Bihar, Patna.
3. The State Transport Commissioner, Department of Transport, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Gopal Govind Mishra, Advocate

For the Respondent/s : Mr. Rohitabh Das, AC to AAG-13

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 26-02-2024

Heard learned counsel for the petitioners and learned counsel for the State.

2. Learned counsel for the petitioners submits that the present writ petition has been filed for regularization /appointment of the petitioners on the post of District Education Officer.



3. Learned counsel for the petitioners submits that two persons who are similarly situated persons that like of the petitioners namely Krishna Prasad and Haidar Ali have been taken into consideration by the respondents Transport Department, but the case of the petitioners has not been taken into consideration.

4. Learned counsel for the State opposes the prayer made by the petitioners and submits that at this juncture no relief can be granted to the petitioners by this Hon'ble Court.

5. After hearing the parties, this Court is of the opinion that only relief to the petitioners by way of filing a fresh representation in the light of Clause 4.C(1) of the Bihar State Litigation Policy, 2011. As such, respondent No.3, namely, the State Transport Commissioner, Department of Transport, Government of Bihar, Patna is directed to consider and dispose of the representation to be filed by the petitioners after granting adequate opportunity of hearing by a reasoned and speaking order within 90 days from the date of filing of fresh representation by the petitioners along with a copy of this order.

6. It is made clear that this Court has not expressed any opinion on the merit and demerit of the case and it is only directed that if the case of similarly situated persons that of the



present petitioners has been considered then the case of the
petitioners ought to be considered.

7. With the aforesaid observation and direction, the
present petition stands disposed off.

Ashwini/-

(Dr. Anshuman, J)

AFR/NAFR	
CAV DATE	NA
Uploading Date	29/02/2024
Transmission Date	NA

