

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14797 of 2021

1. Krishnadeo Bhagat Son of Late Jagdish Bhagat Resident of Village- Maruwaha, P.O. Bharrahi Bazar, P.S. and District- Madhepura.
2. Lalita Jaiswal Daughter of Tej Narayan Choudhary Resident of Village and P.O. Lalpur Saropatty, P.S. Singheshwar, Distt- Madhepura.
3. Chandeshwari Ram Son of Late Jagdish Ram Resident of Village- Korlahi, P.O. Bishanpur Korlahi, P.S.- Kumarkhand, District- Madhepura.
4. Pusplata Devi Wife of Umesh Jha Resident of Village, P.O. and P.S. Kumarkhand, Distt- Madhepura.
5. Shambhu Ram Son of Vishan Ram Resident of Village and P.O. Ramganj, P.S. Kumarkhand, Distt Madhepura.
6. Ram Kumar Rajak Son of Late Kamelswhari Rajak Resident of Village and P.O. Turkahi, P.S. and Distt- Madhepura.
7. Rekha Kumari Daughter of Shyamanand Sah Resident of Village- Sarouni Kala, P.O. Sarauni, P.S. Udakishunganj, Distt- Madhepura, Permanent address wife of Nand Kishore Sah, Village- Raghunia, P.O. Ramganj, P.S. Kumarkhand, Distt Madhepura.
8. Kiran Kumari Daughter of Chintamani Thakur Resident of Village and P.O.- Sukhasan, P.S. Singeshwar, Distt Madhepura.
9. Gajendra Kumar Yadav Son of Late Krit Narayan Yadav Resident of Village- Jajhat Sabaila, P.O. and P.S.- Singheshwar, Distt- Madhepura.
10. Neelu Choudhary Wife of Dhruv Kumar, Daughter of Ram Prasad Choudhary Resident of Village and P.O.- Korihar, P.S.- Gamharia, Dist- Madhepura.
11. Sahdeo Ram Son of Bhurmi Ram Resident of Village and P.O.- Gahumani, P.S.- Singheswhar, Dist- Madhepura.
12. Md. Saood Alam Son of Md. Ayub Ali Resident of Village and P.O.- Madhaili, PS- Alamnagar, Dist- Madhepura.
13. Phulchand Mandal @ Fulchand Mandal Son of Jalim Mandal Resident of Village- Sonvarsha Sital Tola, PO- Singhar, PS- Alamnagar Dist- Madhepura.
14. Rajeshwar Sah Son of Parmeshwar Sah Resident of Village- Madhaili Diyara, PO- Singhar, PS- Alamnagar, Dist- Madhepura.
15. Savitri Devi Wife of Ramdev Prasad Yadav Resident of Village- Betauna, PO- Godhaila, P.S. and Dist- Madhepura.
16. Kumari Kiran Wife of Ram Chandra Sah Resident of Village- Jogwani, PO- Gamharia, Dist- Madhepura.
17. Sunita Murmu Daughter of Jetha Murmu Resident of Village- Morkahi, P.O.- Pokhran, P.S.- Murliganj, Dist- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.



2. The Principal Secretary, Department of Education Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The District Magistrate, Madhepura.
5. The Accountant General, Bihar Birchand Patel Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Mishra, Adv. Mr.Suraj Kumar, Adv. Mr.Vijay Kumar, Adv.
For the State		Mr.Prabhat Ranjan Singh, AC to AAG-15
For the AG Bihar	:	Mrs.Ritika Rani, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-01-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1. That the petitioners above named craves for indulgence of this Hon'ble Court for issuance of appropriate order/orders, direction/directions or writ/writs preferably in the nature of mandamus commanding and directing the respondents concerned to count the service period of the petitioners with effect from the date of their initial appointment as Non Formal Education Instructor and to pay them retirement benefits including pension etc. likewise the regular employee of the respondent state, as the petitioners who have been appointed afresh on Class-IV post by way of absorption and finally some of the petitioners retired on attaining the age of superannuation but claim for pensionary and other retirement benefits is not being considered by the



Respondents state Whereas in similarly situated matter the respondent state is extending similar benefits to the other similarly situated employees counting their service from the date of initial appointment in the light of order dated 4.10.2017 passed in CWJC No. 7231/2012 (Rekha Jha and others Vs. The State of Bihar and others) and affirmed by Division Bench of this Hon'ble Court in LPA No. 189/2018 vide judgment dated 20.6.2018 (The State of Bihar Vs Rekha Jha and others).”

2. At the outset, the learned counsel for the petitioners submits that the issue under consideration in the present writ petition, is pending adjudication before the Hon’ble Apex Court, hence the petitioners be granted liberty to approach this Court, in case the issue under consideration, is decided in favour of the petitioners. Liberty so sought is granted.

3. The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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