

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5134 of 2023

1. Surendra Kumar Son of Yogendra Prasad Resident of Mohala-bari Pahari, P.O. Sohsarai, District-Nalanda.
2. Surendra Narayan Sinha Son of Late ram Lakhan Das Resident of Village and P.O. Bele, P.S. Islampur, District-Nalanda.
3. Anil Kumar Son of Late Saryug Prasad Singh Resident of Village-Bhagan Bigha, P.S. Rahui, District-Nalanda.
4. Arvind Kumar Yadav Son of Mahavir Yadav Resident of Village-Mathurapur, P.O. Bhaganbigha, P.S. Noorsaai, District-Nalanda.
5. Md. Haroon Rasheed Son of Zehoor Hassan Resident of Mohalla-Kaghzi, P.S. and P.O. Bihar Sharif, District-Nalanda.
6. Md. Perwez Ahmad Son of Md. Abdul Rahi, Resident of Mohalla-Sherpur P.S. and P.O. Bihar Sharif, District-Nalanda.
7. Sudhanshu Kumar Son of Sri Ram Balak Kumar Resident of Mohalla-Udantpuri Gardhpar, P.S. Bihar Sharif, District-Nalanda.
8. Md. Asif Ali Ansari Son of Md. Saddique Ansari Resident of Mohalla-Baignabad P.O. Bihar Sharif, District-Nalanda.
9. Md. Farooque Azam Son of Md. Umar Resident of Kharikua, Chhaju Mahalla, Bihar Sharif, District-Nalanda.
10. Md. Azam Son of Md. Kalimuddin, 1136 Sahokhar, P.S. Sohsarai, Nalanda, Bihar.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ram Sagar Singh, Advocate Mr. Sri Krishna Ranjan, Advocate
For the Respondent/s	:	Mr. Subhash Chandra Mishra (Sc 16)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-10-2024

I. A. No. 01 of 2024



This interlocutory application i.e., I.A. No. 1 of 2024 has been filed for substituting the name of the petitioner No. 2, namely, Surendra Narayan Sinha, who had died on 04.05.2023 during the pendency of this case, leaving behind his wife Pramila Singh as sole heir and legal representative.

2. Considering the averments made in the I. A. No. 1 of 2024, the same is allowed.

3. Let the name of petitioner No. 2 in instant writ application be read as 'Pramila Singh, W/o Late Surendra Narayan Sinha'.

CWJC No. 5134 of 2023

4. This writ application has been filed for quashing order contained in Memo No. 3499 dated 17.08.2019 passed by District Programmed Officer (Establishment), Nalanda (Respondent No. 6) whereby direction has been issued to pay the salary of appellants after fixing the untrained scale in the light of Letter No. 766 dated 21.06.2019 issued by the Director, Primary Education, Bihar, Patna (Respondent No. 4).

5. Learned counsel for the petitioners submits that case of petitioners is squarely covered by the judgment passed in CWJC No. 17970 of 2022.

6. Learned counsel for the State does not dispute the



contention made on behalf of the petitioners.

7. Considering the aforesaid facts, since the case of petitioners stands on similar footing to that of the petitioner of CWJC No. 17970 of 2022, there is no requirement to keep pending the present writ application.

8. Accordingly, order contained in Memo No. 3499 dated 17.08.2019 passed by District Programmed Officer (Establishment), Nalanda (Respondent No. 6) is set aside.

9. This writ application stands allowed in terms of CWJC No. 17970 of 2022.

10. The State is directed to give all the consequential benefits to the petitioners.

(Prabhat Kumar Singh, J)

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