

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8495 of 2024

1. Ajay Kumar Jha Son of Late Raj Narayan Jha, Resident of Village- Jhakhra, P.O.- Jhakhra, P.S.- Sarairanjan, District- Samastipur.
2. Anuja, Wife of Sri Vinay Kumar Jha, Resident of Village- Jhakhra, P.O.- Jhakhra, P.S.- Sarairanjan, District- Samastipur.
3. Nishat Ahmad, Son of Abdur Rashid, Resident of Village- Salha, P.O.- Babbatta, P.S.- Sarairanjan, District- Samastipur.
4. Rajiv Ranjan, Son of Sri Amarnath Prasad Singh, Resident of Village- Muriyaro, P.O.- Darhia Asadhar, P.S. Angarghat, District- Samastipur.
5. Manoj Kumar, Son of Sri Rajendra Prasad, Resident of Ward No. 06, Kashipur, P.O., P.S. and District- Samastipur.
6. Rabindra Kumar Singh, Son of Sri Ram Shankar Singh, Resident of Village and P.O.- Samartha, P.S.- Bibhutipur, District- Samastipur
7. Dharendra Kumar Sinha, Son of Sri Brijnandan Singh, Resident of Bhagwanpur, Chaksekhu, P.O. and P.S.- Dalsinghsarai, District- Samastipur.
8. Pravin Kumar Chaudhary, Son of Late Radha Kant Chaudhary, Resident of Village and P.O.- Bazidpur Babmbaiya, P.S.- Bibhutipur, District- Samastipur.
9. Vijay Kumar Singh, Son of Sri Sahdeo Singh, Resident of Village and P.O.- Samartha, P.S.- Bibhutipur, District- Samastipur.
10. Rajeev Kumar, Son of Sri Krishna Kumar Chaudhary, Resident of Ward No. 7, Chakdaulat, Akha Bishanpur, P.S.- Ujiarpur, District- Samastipur.
11. Musarrat Hussain, Son of Md. Lais, Resident of Ward No. 10, Waini, P.O. and P.S.- Waini, District- Samastipur.
12. Akhilesh Kumar Singh, Son of Sri Radhe Shyam Singh, Resident of Village- Dobhiya, P.O.- Kanhauli, P.S.- Darauli, District- West Champaran.
13. Sarbesh Kumar Chaubey, Son of Sri Harendra Kishore Chaubey, Resident of Village- Paroraha, P.O.- Gobraura, P.S.- Sathi, District- West Champaran.
14. Ashok Kumar Srivastava, Son of Sri Kanhaiya Lal, Resident of Village- Nayatola, Rajokhar, P.O.- Manikpur, P.S.- Gopalganj, District. Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The District Education Officer, Samastipur.
4. The District Education Officer, West Champaran.
5. The District Education Officer, Gopalganj.
6. The District Programme Officer (Establishment), Samastipur.
7. The District Programme Officer (Establishment), West Champaran.



8. The District Programme Officer (Establishment), Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mrs. Manisha Singh, AC to GP 7

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-11-2024 Heard learned counsel for the parties.

2. In this petition the grievances of petitioners are that the relief granted in C.W.J.C. No. 5720 of 2019 with C.W.J.C. No. 17709 of 2021 on 06.02.2024 are only being extended to persons, who were parties in those proceedings even though others, who are identically situated, are not being treated similarly wherein the Apex Court in case of Ashwani Kumar & Ors Vs. The State of Bihar & Ors reported in A.I.R. 1997 SC 1628 in Para 17 had clearly held that all persons, similarly situated, whether they have moved the Court or not, must be similarly treated and those, who were waiting in the wings, cannot be denied the relief which is granted by the Court unless the relief is personal to the person and similar is the provision of Clause 4(C) of Bihar State Litigation Policy, 2011 and for other necessary relief/ reliefs to the basis of facts and circumstances of the case as stated, enumerated and discussed hereinafter.

3. Learned counsel for the petitioners submits that the issue raised in this application has already been decided by a



coordinate Bench of this Court in C.W.J.C. No. 5720 of 2019 with C.W.J.C. No. 17709 of 2021 on 06.02.2024. He submits that the case of the petitioners stands on similar footing to that of petitioners of C.W.J.C. No. 5720 of 2019 with C.W.J.C. No. 17709 of 2021.

4. Considering the aforesaid submission, this writ application is disposed of with a direction to the petitioners to file a detailed representation along with supportive documents before the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna within a period of four weeks from today who shall examine the claim of the petitioners in the light of order passed in C.W.J.C. No. 5720 of 2019 with C.W.J.C. No. 17709 of 2021 and pass a reasoned and speaking order after hearing the parties within a period of three months thereafter. If the claim of the petitioners is found similar to that of petitioners of C.W.J.C. No. 5720 of 2019 with C.W.J.C. No. 17709 of 2021 the similar relief must be extended to the petitioners of this case also.

5. With the aforesaid directions, this writ application stands disposed of.

(Prabhat Kumar Singh, J)

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