

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.95 of 2024

In

Civil Writ Jurisdiction Case No.6910 of 2020

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1. Rama Shankar Mishra, Male, Son of Raghu Nandan Mishra, (Retired from service on 3.12.2021) Resident of village- Kabela, P.S.- Parbata, District- Khagaria.
 2. Md. Haidar Ali, Male, Son of Md. Abdul Gaffar, (Retired from service on 30.06.2022) Resident of village Phensaha, Ghordaur, P.S.- Salkhua, District- Saharsa.
 3. Bigu Singh Yadav, Male, Son of Hardev Singh Yadav, (retired from service on 30.06.2023) Resident of village Bhokhri, P.S. Mohania, District- Kaimur.
 4. Maldev Singh, Male, Son of Amiraka Singh, (Retired from service on 28.02.2022) Resident of village- Chando, P.S.- Chainpur, District- Palamu, Jharkhand.
 5. Suresh Bhagat, Son of Sukhdeo Bhagat, Resident of village- Pakauli, P.S. Hajipur, District- Vaishali.

... ... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director General of Police, Patel Bhawan, Bailey Road, Patna, Bihar.
3. The Director General, Bihar Military Police, Patel Bhawan, Bailey Road Patna, Bihar- cum- Chairman of the Committee.
4. The Inspector General of Police, Budget/Appeal/Welfare, Bihar, Patna.
5. The Inspector General of Police (Head Quarter), Patel Bhawan, Bailey Road, Patna, Bihar.
6. The Deputy Inspector General of Police, Bihar Military Police, Central Range, Patna.
7. The Principal Secretary, Finance Department, Govt. of Bihar Patna.
8. The Commandant, Bihar Military Police-12, Saharsa, IRB-2 Camp, Katihar.
9. Surendra Mandal, son of Late Nunulal Mandal, resident of village- Isarain Kalan, Ward No.-3, P.S.- Kumarkhand, District- Madhepura.
10. Narayan Prasad Yadav, son of Indeshwari Prasad Yadav, Resident of village- Korlaha Tola, P.S.- Salkhua, District- Saharsa.
11. Suresh Kumar Mishra, son of Umakant Mishra, Resident of village- Dhurlakh, P.S.- Samastipur Muffasil, District- Samastipur.
12. Vijay Kumar Kisku, son of Shaligram Kisku, Resident of village Pipradih, P.S.- Belha, District- Banka.
13. Ramdhani Sah, Son of Chedi Sah, Resident of village- Pokharia Sungtia, P.S.- Gopalpur, District- Bhagalpur.



14. Bhola Prasad Yadav, Son of Rambrit Yadav, Resident of village Tadpadh P.S.- Dipnagar, District- Nalanda.
15. Nakul Kumar Rai, Son of Vashisth Rai, Resident of village Kalodehari, P.S.- Chauri, District- Bhojpur.
16. Madhusudan Sharma, Son of Sajjandhari Singh, Resident of village Ijarata, P.S- Paliganj, District- Patna.
17. Simon Soreng, Son of Fancis Soreng Resident of village- Tukupani Gurgurchuan, P.S.- Tupudega, District- Simdega.
18. Ramchandra Yadav, son of Mishrilal Yadav, Resdient of village- Khadipur, Sattar Panchgachiya, P.S- Bihra, District Saharsa.
19. Venkatesh Kumar, son of Mukeshwar Singh, Resident of village Raghunathpur, P.S.- Khiri More, District- Patna.
20. Subodh Kumar, son of Late Chandeshwar Singh, Resident of village Piariya, P.S.- Gaurichak, District- Patna.
21. Bikram Thakur, son of Saryug Thakur, Resident of village- Bilashpur P.S.- Raxaul, District- East Champaran.
22. Radheshyam Ray, son of Ramaashre Ray, Resident of village- Bhagvanpur Vaini, P.S.-Tajpur, District- Samastipur.
23. Mahesh Sharma, Son of Mithla Sharma, Resident of village- Anandpur P.S.- Bihta, District- Patna.
24. Pramod Kumar Singh, son of Jatadhari Singh, Resident of village- Parsawa, Karhata, P.S. and District- Gaya.
25. Birendra Kumar Singh, son of Kedra Prasad Singh, Resident of village- Karjan, P.S.- Athmalgola, District- Patna.
26. Suresh Prasad Yadav, son of Gulab Prasad Yadav, Resident of village- Bhairabpur, P.S.- Kumarkhand, District- Madhepura.
27. Manoj Kumar, son of Lalan Singh, Resident of Garhi Rampur, P.S.-Garhi Rampur, District- Munger.
28. Arun Kumar, son of Basudev Prasad Yadav, Resident of village- Manikpur, P.S. and District- Madhepura.
29. Shiv Chandra Paswan, son of Devi Paswan, Resident of village- Chakibrahim, P.S.- Bidupur, District- Vaishali.
30. Anil Kumar, son of Anandi Singh, Resident of village- Sahokhar, Saraia, P.S. Sohsarai, District- Nalanda.
31. Md. Mustafa Khan, Son of Diwan Jamiluddin Khan, Resident of village Noghara, P.S.- Chainpur, District- Kaimur.
32. Bharat Prasad Yadav, Son of Baliram Yadav, Resident of village- Banahin, P.S.- Banahin, District- Bhojpur.
33. Shambhu Kumar Gupta, Son of Jaynarayan Gupta, Resident of Jayprakash Nagar, Ward No. -6, P.S. and District- Madhepura.
34. Shyam Kumar Chhetry, son of Late Nandraj Singh, Resident of village Bishardah, P.S. Mithanpura, District- Muzaffarpur.
35. Lakshman Prasad Yadav, son of Late Dukhi Prasad Yadav, Resident of



- village- Gadhiya, P.S.- Bangaon, District- Saharsa.
- 36. Md. Sanif Uddin, son of Late Md. Oumar Uddin, Resident of village- Salimpur, Suturkhana, P.S.- Muffasil, District- Munger.
 - 37. Niranjan Prasad, son of Rajdev Ram, Resident of village- Afzalpur tola, Mubarkpur, P.S. and District- Jehanabad.
 - 38. Pramod Kumar Yadav, son of Matvar Yadav, Resident of village- Balahu, P.S. Darauhi, District- Siwan.
 - 39. Dubraj Banra, son of Soma Banra, Resident of village- Tilopada, P.S. Kharsawa, District- Saraikela, Jharkhand.
 - 40. Nand Kumar Singh, son of Mahanand Singh, Resident of village- Mirganj Chatar, P.S.- Babhangawan, District- Bhojpur.
 - 41. Brahamdeo Paswan, son of Siglas Paswan, Resident of village- Raiyam, P.S. Jhanjharpur, District- Madhubani.
 - 42. Ashok Kumar Singh, son of Ramdev Singh, Resident of village. Rajkrishnanagar, Khuthari, P.S- Kahalgaon, District- Bhagalpur.
 - 43. Kaptan Singh Yadav, son of Shivmuni Singh Yadav, Resident of village- Sherpur, P.S.- Mohammadabad, District- Ghazipur, U.P
 - 44. Janmejaya Pandey, son of Chandrama Pandey, Resident of village- Mohaniya Shiusagar, P.S.- Shivsagar, District- Rohtas.
 - 45. Krishna Kumar Singh, son of Awadhesh Singh, Resident of village- Alawalpur, P.S.- Gaurichak, District- Patna.
 - 46. Bir Singh Tiu, son of Kundiya Tiu, Resident of village- Nakahasa kanki, P.S- Chaibas, District- West Singhbhum, Jharkhand.
 - 47. Raj Kumar Paswan, son of Late Shaho Paswan, Resident of village- Jhamtapar Jana, P.S. and District- Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Praveen, Advocate
Mr. Barun Kumar Singh, Advocate
For the Respondent/s : Mr. P.K. Verma, AAG 3
Mr. Sanjay Kumar Ghosarvay, AC to AAG 3

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER**

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

7 03-09-2025

Re : I.A. No. 2 of 2025

Heard I.A. No. 2 of 2025. There is delay of about 2
years 8 months and 9 days. Learned Single Judge order is dated



16.04.2021. The LPA should have been filed on or before 17.05.2021. Between 17.05.2021 till 01.03.2022, Covid – 19 period was in vogue, therefore, in the light of judicial pronouncement, appellants are entitled to have the benefit of condonation of delay. For remaining period from 01.03.2022 to 30.01.2024, the date on which LPA was filed, the appellants have assigned certain reasons including medical, therefore, appellants have made out a case so as to condone the delay of about 2 years 8 months and 9 days. Hence, delay stands condoned.

2. With the consent of learned counsels for the respective parties, main matter is taken up for final disposal in the light of the fact that in identical matters, Co-ordinate Bench proceeded to grant reliefs to the appellants therein *vide* **LPA No. 288 of 2023** arising out of **CWJC No. 8065 of 2020** and **LPA No. 458 of 2021** arising out of **CWJC No. 1744 of 2020**. Accordingly, appellants are entitled to have the benefit of the order dated 06.02.2025 passed in LPA No. 288 of 2023 and 26.04.2024 passed in LPA No. 458 of 2021.

3. In the light of these facts and circumstances, order of the learned Single Judge dated 16.04.2021 passed in CWJC No. 6910 of 2020 is set aside. The concerned authority is hereby



directed to extend all necessary benefits to the appellants herein in the light of order dated 06.02.2025 passed in LPA No. 288 of 2023 and 26.04.2024 passed in LPA No. 458 of 2021 within a period of four months from the date of receipt of this order.

4. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

GAURAV S./-

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