

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8435 of 2017

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Uday Shankar Mishra Son of Late Kamla Prasad, R/o- Mohalla- Noorpur,
P.S.- Malsalami, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources Development Department, New Secretariat, Patna.
2. The Director Secondary Education, New Secretariat, Patna.
3. The Regional Deputy Director of Education, Patna Division, Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer (Establishment), Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Mishra, Advocate Ms. Shivani Mishra, Advocate Mrs. Pragati Singh, Advocate Mr. Shashank Shekhar, Advocate
For the Respondent/s	:	Mr.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 11-07-2025 Heard learned Counsel for the petitioner and learned
Counsel for the State.

2. The present writ petition has been filed with the
following reliefs:-

*“I. Letter No.406 Patna
dated 25.04.2017 issued by Regional
Deputy Director Education, Patna
Division, Patna be quashed and set
aside;*

*II. Respondent No.3 be
directed to grant the financial benefits
of 2nd and 3rd ACP with effect from*



01.01.2006 and 31.07.2010 to the petitioner;

III. Respondent No.3 be directed to grant the rest due financial benefits in respect of the 1st ACP to the petitioner.”

3. Learned Counsel for the petitioner directly submits that the case of the petitioner is squarely covered by the Full Bench decision in the case of **Kamla Nand Thakur Vs. State of Bihar with analogous cases** decided in **CWJC No.18727 of 2017**. He also submits that in the case of **Ram Udar Chaudhary Vs. The State of Bihar and Other** decided on 30.10.2015 in **CWJC No.10113 of 2011**, the similarly situated person has been given benefit but petitioner has been discarded the benefit. The Counsel submits that the said decision of Ram Udar Chaudhary (Supra) is annexed as Annexure-7. Counsel submits that the same treatment be made with the petitioner considering the Full Bench decision of this Hon'ble Court.

4. Learned Counsel for the State submits that petitioner's case is squarely covered by the Full Bench decision.

5. It is well known that Clause 4.C.1 of the Bihar State Litigation Policy, 2011 is very much relevant, which states as follows:-

“A good number of cases are from the



category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/ applicant-employee/ citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.”

6. In the light of the said law discussed above, this writ petition is disposed of directing the petitioner to file fresh representation along with a copy of this order and Full Bench decision within 30 days from today and respondent No.2, the Director, Secondary Education, New Secretariat, Patna, shall decide the representation of the petitioner in the light of Full Bench decision passed by this Hon’ble Court, mentioned above, within 90 days thereafter.

(Dr. Anshuman, J)

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