

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19326 of 2021

1. Nawal Kishore Prasad Singh Son of Late Mathura Singh Resident of Village - Machchhar Ganva, P.S. - Kotawa, District- East Champaran.
2. Surendra Prasad Son of Late Kashinath Srivastava Resident of Village - Godhava, Ward no. 7, P.S. - Chhatauni, District- East Champaran.
3. Raghunath Singh Son of Late Yugal Singh Resident of Mohalla Sri Kirshnanagar, Ward No. 31, Motihari, P.S. Motihari, District- East Champaran.
4. Vishwnath Prasad Son of Late Jiut Sah Resident of Mohalla - Raghunathpur, Ward No. 8, P.S. - Motihari, District- East Champaran.
5. Krishna Mohan Das Son of Late Ram Chandra Das Resident of Village - Manikpur, Saraiya, P.S. - Harsiddhi, District- East Champaran.
6. Bhairab Prasad Yadav Son of Indrajeet Prasad Yadav Resident of Village - Baidyanathpur, P.S. - Chiraiya, District- East Champaran.
7. Md. Firoz Son of Abdul Kayum Resident of Mohalla - Agarwa, Ward No. 32, P.S. - Motihari, District- East Champaran.
8. Dilip Kumar Pandey Son of Late Satyanarayan Pandey Resident of Village - Matiyariya Ward No. 13, P.S. - Harsiddhi, District- East Champaran.
9. Radha Raman Sah Son of Late Nathu Sah Resident of Village - Paithanpatti, P.S. - Harsiddhi, District- East Champaran.
10. Md. Rakib Khan Son of Feku Khan Resident of Village - Damodarpur, Paithanpatti, P.S. - Kanti, District- East Champaran.
11. Krishna Kant Singh Son of Chandrika Singh Resident of Village - Hasuaha, P.S. - Harsiddhi, District- East Champaran.
12. Shiv Sagar Sah Son of Late Bulla Sah Resident of Village - Paithanpatti, P.S. Harsiddhi, District- East Champaran.
13. Hari Shankar Singh Son of Late Baidyanath Singh Resident of Mohalla - Sri Krishnanagar Ward No. 31, Motihari, P.S. - Town, District- East Champaran.
14. Akhilesh Kumar Singh Son of Late Satyanarayan Singh Resident of Village - Gariba, P.S. - Koawa, District- East Champaran.
15. Braj Kishore Son of Late Jagarnath Thakur Resident of Village - Gariba, P.S. - Kotawa, District- East Champaran.
16. Jagarnath Ram Son of Ram Sevak Ram Resident of Village - Paithanpatti, P.S. - Parifar, District- East Champaran.
17. Surendra Prasad Sharma Son of Late Satya Narayan Sharma Resident of Village - Olhan, Ward No. 10, Man Tola, P.S. Harsiddhi, District- East Champaran.
18. Yogendra Singh Son of Late Chandrika Singh Resident of Village - Matiyariya, P.S. - Turkauliya, District- East Champaran.
19. Mohan Ram Son of Giridhari Ram Resident of Rajkiy Polytechnic, Ward No. 32, Saharsa, P.S. and District- Saharsa.
20. Bachcha Shahi Son of Ram Ayodhya Shahi Resident of Village - Bakhtaura,



Ward No. 11, Adapur, P.S. Bakhtaura, District- East Champaran.

21. Akil Ahmad (Assistant) Son of Md. Anis, Resident of A/4, Indirapuri Colony, Samanpura, P.S. - Raza Bazar, District- Patna.
22. Hari Shankar Kunwar Son of Madhura Kunwar Resident of Government Polytechnic College, Near Chandralok Chowk, Muzaffarpur, P.S. - Town, District- Muzaffarpur.
23. Manager Bhagat Son of Saryug Bhagat Resident of Village - Jiyauddinpur, Near Bajrangbali Mandir, P.S. - Sabour, District- Bhagalpur.
24. Adil Rasid Khan Son of Hajiullah Khan Resident of Village - Paithanpatti, P.S. Harsidhhi, District- East Champaran.
25. Meraj Hasan Khan Son of Kamrul Hasan Khan Resident of Village - Paithanpatti, P.S. - Dariyapur, District- East Champaran.
26. Anil Kumar Pandey (Assistant), Son of Gupteshwar Pandey Resident of Village - Diuel, P.S. - Kakira, District- Bhojpur.
27. Lalan Kumar Singh Son of Ram Laxman Singh Resident of Village - Vyaspur, P.S. - Paro, District- Muzaffarpur.
28. Shiva Kant Pandey Son of Yogendra Pandey Resident of Village - Saraiya, P.S. - Manikpur, District- East Champaran.
29. Shah Mohammad Miyan Son of Nathuni Miyan Resident of Village - Vishunpur, P.s. - Manikpur, District- East Champaran.
30. Gopal Tiwary Son of Shiv Mangal Tiwari Resident of Village - Saraiya, Manikpur, P.s. - Harsiddhi, District- East Champaran.
31. Neelam Tiwari Wife of Late Shatrughan Tiwari Resident of Village - Rampur, P.S. - Khajuriya Usani, District- East Champaran.
32. Hasan Tara Begum Wife of Late Ekramul Haque Resident of Village - Koraiya, P.S. Turkauliya, District- East Champaran.
33. Rasda Khatoon Resident of Ward No. 13, Barkurba, Paharpur, P.S. - Sonwal, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
3. Principal Secretary, Science and Technology, Department, Government of Bihar, Patna.
4. Special Secretary Science and Technology Department, Government of Bihar Patna.
5. Director, Science and Technology, Government of Bihar Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arup Kumar Chongdar, Advocate
For the State	:	Mr. Prem Ranjan Raj, AC to SC-7



CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-04-2025 Heard Mr. Arup Kumar Chongdar, learned counsel
appearing on behalf of the petitioners and Mr. Prem Ranjan Raj,
learned counsel for the State.

2. The petitioner in paragraph no. 1 of the present writ
petition has sought *inter alia* following relief(s), which is
reproduced hereinafter:

"I. For issuance of an order, direction or writ including writ in the nature of Mandamus commanding the Respondents to grant continuity of service to the Petitioner from 9/12/1986.

II. For issuance of an order, direction or writ including writ in the nature of Mandamus commanding the Respondents to grant all the consequential benefits of continuity of service to the Petitioners including pay scale, increment, salary, seniority etc.

III. For any other relief(s) to which the Petitioners may be found entitled in the facts and circumstances of the present case."

3. This Court considering the information given by the
petitioners that the petitioners services were terminated on
31.01.1991 and they were forced to file writ petition before this
Court bearing CWJC No. 1316 of 1991 along with other
analogous cases, find proper to reproduce paragraph no. 42 of
the order/judgment dated 06.05.1996, wherein *inter alia*,
following observation(s)/direction(s) were made:

"42. These writ petitions are accordingly allowed. The impugned orders of termination of services of the petitioners



are, therefore, set aside. The Respondents authorities will now give to each of the petitioners an opportunity of hearing within a period of four months from the date of receipt/production of a copy of this judgment and thereupon take a decision under sub-section (3) of Section 5 of the said Act. The petitioners, however, are not immediately reinstated in service but their reinstatement in service will depend upon the result of the decision by the governmental authorities which will be taken after giving the employees concerned an opportunity of hearing. If, on hearing being given to them, the respondents authorities are of the view that these petitioners should be absorbed in service, such decision must follow. It is, however, made clear that if the respondents authorities do not complete the aforesaid exercise of hearing within the period aforesaid, in that case the petitioners will be entitled to be reinstated in service upon the expiry of the aforesaid period of four months. On such reinstatement the petitioners will not, however, be entitled to the payment of back wages but their continuity in service must be maintained."

4. The State had preferred LPA No. 614 of 1998 along with other analogous cases, against the order/judgment dated 06.05.1996 passed in CWJC No. 1316 of 1991, which was dismissed vide order/judgment dated 09.09.1998 against which, the State had preferred Special Leave to Appeal (Civil) No. 884-837/99 before the Apex Court, which was also dismissed vide order dated 01.02.1999.

5. The State has admitted in their counter affidavit in paragraph no. 12, which is apt to be reproduced hereinafter:

"12. That it is important to mention here that according to service book of all the petitioners,



the service of these petitioners were duly absorbed only w.e.f. 01.01.1991 as Government employees for all practical purposes. Hence, these petitioners cannot claim benefits w.e.f. 9.12.86."

6. It is admitted that the petitioners were absorbed with effect from 01.01.1991 therefore, the claim of the petitioners to be absorbed from 09.12.1986 had been rejected.

7. The law in respect of regularization and grant of terminal benefits is well settled as on date by the Apex Court in the case of ***Jaggo Vs. Union of India & Ors. (SLP (C) No. 5580 of 2024)***, relying on its judgment passed in ***Vinod Kumar and Ors. Etc. Vs. Union of India & Ors.***, reported in ***(2024) 1 S.C.R. 1230*** and the same has been reiterated by the Apex Court recently in the case of ***Shripal & Anr. vs. Nagar Nigam, Ghaziabad (Civil Appeal Nos. 8158-8179 of 2024)***.

8. Retiral benefit has to be given in accordance with Rules, 58 and 59 of the Bihar Pension Rules, 1950 from the date of appointment notionally.

9. In such circumstances, the petitioners, who have already superannuated, may file their individual representation before the Principal Secretary, Science and Technology Department, Government of Bihar (respondent no. 3) along with all the requisite information and evidences in support of their claim, then Principal Secretary, Science and Technology



Department, Government of Bihar is directed to consider the case of the petitioners and dispose of their individual representation expeditiously in accordance with law.

10. All the financial benefits including the difference of salary, thereafter, are required to be given to all those petitioners, who have superannuated on similar terms.

11. With aforesaid observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

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