

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case no.1581 of 2017

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Arun Prakash Son of late Durga Sharan Prasad, Resident of Village.P.O.
Palanwa, Police Station.Ramgarhawa, District.East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Secretary, Rural Works Department, Govt. of Bihar, Patna
3. The Chief Engineer.3, Rural Works Department, Bihar, Patna.
4. The Superintendent Engineer, Rural Works Department, Works Anchal Bettiah, District. West Champaran.
5. The Executive Engineer, Rural Works Department, Works Division, Motihari, District. East Champaran.
6. The Executive Engineer, Rural Works Department, Works Division, Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Shankar, Advocate
		Mr. Bashishtha Narayan Mishra, Advocate
For the Respondent/s	:	Mr. Manish Kumar, A.C to AAG 6

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 08.01.2026 1. Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The petitioner has filed the instant application
for the following reliefs:

*“1. That, this application is being filed for
issuance of a writ in the nature of certiorari or*



any other appropriate writ or writs for quashing the order contained in letter no.8/A. Pra.-112/16-12402 dated 02.11.2016 issued by the respondent no.2 vide which the petitioner has been reverted back in class III cadre other than accounts cadre treating him appointee on compassionate ground and for ordering for recovery the excess amount paid to him showing his name against serial no.5 in the list A of appointee enclosed with the letter dated 02.11.2016.

And/Or

For passing such other order or orders for which the petitioner will be found entitled in the eye of law.

A true photocopy of the letter no.8/A.Pra.-112/16-12402 dated 02.11.2016 is being annexed herewith and marked as Annexure-1 to form part of this application.”

3. At the outset, it is submitted by learned counsel for the petitioner that the order impugned contained in letter no. 1240 dated 2.11.2016 of the Additional Secretary, Rural Works Department, Government of Bihar was the subject matter of CWJC no. 19392 of 2016 (Raj Kumar and others versus the



State of Bihar and others). The said writ application was disposed of along with batch of other writ applications by judgment dated 21.8.2017 passed in CWJC no. 9921 of 2017 (Vinit Kumar and others versus the State of Bihar and others) and analogous cases. Learned counsel submits that the case of the petitioner herein is fully covered by the said judgment.

4. Learned counsel for the petitioner further submits that the appeal preferred against the said judgment vide LPA no. 163 of 2018 was dismissed by judgment dated 11.7.2018, passed in LPA no. 1702 of 2017 (State of Bihar and others versus Binit Kumar and others) and analogous cases including LPA no. 123 of 2018 (State of Bihar and others versus Niraj Kumar). It is further submitted that SLA(C) no. 23765 of 2018 (State of Bihar and others versus Niraj Kumar) which was preferred against the judgment in LPA no. 123 of 2018 was dismissed by the Hon'ble Supreme Court by its order dated 28.9.2018.

5. The submission on behalf of the petitioner that his case is covered by the aforesaid judgment passed in CWJC no. 19392 of 2016 is not disputed by the learned counsel for the respondents.

6. In view of the above, the instant writ application is



allowed in terms of the judgment dated 21.8.2017 passed in
CWJC no. 19392 of 2016 except for the fact that no cost is
imposed in the instant case on the respondents.

(Partha Sarthy, J)

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