

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1485 of 2019

In

Civil Writ Jurisdiction Case No.3240 of 2015

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Amit Kumar Son of Sri B.K. Sinha Resident of Village- Bhoua, P.S.- Patori,
District- Samastipur, Presently Residing at Flat No. C-2, Jai Mata Di
Apartment, Road No.5, Ashok Nagar, P.O.- Lohia Nagar, P.S.- Kankarbagh,
District- Patna.

... .. Appellant/s

Versus

1. Bidya Bhushan Kumar Son of Late Nageshwar Pasad Singh Resident of Flat No.101 B, Leelavarta Apartment, Alpana Market, New Patliputra Colony, P.S.- Patliputra, District- Patna.
2. Kaushal Kishore Son of Late Sri Ram Resident of Mohalla- Mirchai Gali Chowk, Patna City, District- Patna.
3. Ashok Kumar Singh Son of Late Bindeshwari Prasad Singh Resident of Goraiya Asthan, Buddha Colony, P.S.- Buddha Colony, District- Patna.
4. Kumar Anand Ranjan Son of Late Jagdish Prasad Sinha Resident of 124 E, S.K. Puri, District- Patna.
5. The State of Bihar through the Chief Secretary, Bihar, Patna.
6. The Principal Secretary, Education Department, Bihar, Patna.
7. Director, Administration-cum-Special Secretary, Education Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Brisketu Sharan Pandey, Advocate
For the State : Mr. S.S. Tiwary, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

and

HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

4 24-03-2026 Following is the relief sought for in the present
appeal:-

*“1. That this Letters Patent Appeal is
being preferred against the judgment/order dated
18.10.2019, passed by Hon'ble Mr. Justice*



Madhuresh Prasad in CWJC No.3240 of 2015 and other analogous cases, whereby and whereunder his Lordship has been pleased to allow the writ applications and has held that the petitioners in the connected and analogous writ applications were similarly situated as the beneficiaries of the judgment of the Apex Court in the case of Civil Appeal no.8226 and 8227/2012 the Hon'ble Court thereafter has issued direction that the State Government should extend the same benefits to Members of the other Branches of the SES Cadre, who are petitioners in these writ petitions, as has been done for the Members of the Teaching Branch (Male & Female). It has been further directed that while doing so, it would be open to the State Government to work out the modalities for extending the benefits maintaining uniformity between Members of the various Branches of the Subordinate Education Service Cadre having regard to the various relevant considerations for an effective, non-discriminatory treatment. It has been further directed that the State Government should work out the modalities for extending the benefits of the State Government resolution dated 07.07.2006 to the petitioners/respondents 1" set without undue delay preferably within three months from the date of receipt/production of the order dated 18.10.2019."

2. The present *intra* Court appeal has been preferred against the order dated 18.10.2019 passed in C.W.J.C. No. 3240 of 2015. Against the said order, an *intra* Court appeal was also preferred on behalf of State, which was numbered as L.P.A. No.



27 of 2020, which was disposed of *vide* order dated 01.12.2021, which is reproduced hereinbelow:-

“The instant appeal has been preferred by the State of Bihar against the order dated 18.10.2019 passed in CWJC No. 3240/2015 titled as Bidya Bhushan Kumar and Ors. Vs. The State of Bihar and Ors. whereby, the learned single Judge has allowed the writ petition by extending the benefit of State Government’s Resolution No.1209 dated 07.07.2006 to the members of the various branches of the Bihar Subordinate Education Service Cadre.

Learned counsel for the appellants seeks permission to withdraw the appeal reserving liberty to file an application seeking review of the aforesaid judgment .

Permission granted.

The present appeal stands disposed of as withdrawn with liberty aforesaid.

The period for which the appeal was pending shall be excluded for the purpose of limitation.

Interlocutory Application(s), if any, shall stand disposed of.”

3. Learned counsel for the appellant seeks permission to withdraw the present appeal with liberty to participate in Civil Review application No. 66 of 2022, which has been preferred by the State, wherein the appellant is a respondent.

4. Permission is accorded.

5. Accordingly, the present *intra* Court appeal stands



dismissed as withdrawn with the aforesaid liberty.

6. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Shailendra Singh, J)

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