

(2020) 12 PAT CK 0225

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 9175 Of 2020

Md. Mahboob Alam And Ors

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 22-12-2020

Acts Referred:

Citation : (2020) 12 PAT CK 0225

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Alok Kumar Alok, Firoz Ahmad, Lalit Kishore, Vikash Kumar

Final Decision : Disposed Of

Judgement

Petitioner has prayed for the following relief(s):

For quashing the resolution dated 31.08.2013 (contained in Annexure- 17) of the education Department, Govt. of Bihar issued under the signature

of the Joint Secretary Education Department Bihar, Patna. So far the petitioners are concerned and dispose of the writ petition in view of the CWJC

No. 985 of 2015 disposed of on 27.03.2019 by this Hon'ble Court in the circumstances set forth below.

Learned counsel for the petitioner states that the petitioner shall be content if directions are issued to the respondents to consider and decide the

petitioner's request which the petitioner shall be making within a period of four weeks from today, indicating as to how their cases are covered

vide judgment dated 27.03.2019 passed in C.W.J.C. No. 985 of 2015, titled as Imran Alam & Anr. Vs. The State of Bihar & Ors.,(Annexure-18) as

also dated 27.03.2019 passed in C.W.J.C. No. 17445 of 2015, titled as Md. Alam & Ors. Vs. The State of Bihar & Ors., (Annexure-19).

State has no objection to the same. As such, the petition is disposed of with the following mutually agreeable terms:

The petitioner shall file a representation before the concerned respondent/s within a period of four weeks;

If such a representation is filed by the petitioner, the authority concerned is directed to consider and decide the same expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

It stands clarified that the proceedings, during the time of current Pandemic-Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.