

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cont. Case (Civil) No.85 of 2025

Hasib Ahmad Usmani. **Petitioner**
Versus
The State of Jharkhand & Ors. **Opposite Parties**

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Prabhat Kr. Sinha, Advocate
For the O.P. (s) : Mr. Anish Kumar Mishra, AC to Sr.SC-I
AC to AAG

06/ 12.12.2025

By filing this Contempt Petition, the petitioner has brought to the notice of this Court that the order dated 03.07.2024 (final order) passed in W.P.(S) No.4790 of 2021, has not yet been complied with.

2. Learned counsel representing the petitioner submits that ***W.P.(S) No.4790 of 2021 (Hasib Ahmad Usmani Vs. The State of Jharkhand & Ors.)*** was disposed by a Coordinate Bench of this Court, with a direction to the opposite parties to verify the factual aspects and the issues involved in that writ petition vis. a vis. the factual aspects and the issues involved in ***W.P.(S) No.1386 of 2009 (Miss. Ursula Tirkey & Ors. Vs. The State of Jharkhand & Ors.) and other Analogous cases***. It was further ordered that if the facts and issues involved in both the cases are similar, the benefits which have been granted to the petitioners in W.P.(S) No.1386 of 2009, should also be granted to that petitioner of W.P.(S) No.4790 of 2021. He further submits that the order passed in W.P.(S) No.1386 of 2009 and other analogous cases, was challenged in ***L.P.A. No.13 of 2024 (The State of Jharkhand &***

Ors. Vs. Miss. Ursula Tirkey & Ors.) and other Analogous cases. The said Letters Patent Appeal along with other Analogous Appeals were heard and dismissed vide judgment dated 22.04.2024. It is his contention that after the aforesaid ***L.P.A. No.13 of 2024*** was dismissed, the respondents have challenged the order passed in W.P.(S) No.4790 of 2021 in ***L.P.A. No.590 of 2025 (The State of Jharkhand & Ors. Vs. Hasib Ahmad Usmani & Ors.)***.

3. The aforesaid facts have been admitted by the opposite parties. The aforesaid facts further clearly suggest that the State has framed the Litigation Policy only for the sake of drafting a Policy and their intention is not to implement the same.

4. This Court fails to understand that when the set of Letters Patent Appeals has already been dismissed, then what was the necessity to file another Letters Patent Appeal against the order passed in W.P.(S) No.4790 of 2021, that too after dismissal of the earlier Letters Patent Appeal.

5. Be it noted that in W.P.(S) No.4790 of 2021, the order was passed only to consider the case of the petitioner in the light of order passed in W.P.(S) No.1386 of 2009 and other Analogous cases, and to give benefit to that petitioner, similar to those petitioners in W.P.(S) No.1386 of 2009 and other Analogous cases. Be it noted that in the writ petition being W.P.(S) No.4790 of 2021, the issues were not decided, rather the issue which was supposed to be followed was decided in W.P.(S) No.1386 of 2009, which stood affirmed in L.P.A. No.13 of 2024 and other Analogous cases.

6. When the State frames a Litigation Policy, it is expected that the State should follow the same.

7. This Court fails to understand that in spite of the Litigation Policy, how the Letters Patent Appeal being L.P.A. No.590 of 2025, has been filed, that too, after disposal of L.P.A. No.13 of 2024 and other analogous cases vide judgment dated 22.04.2024.

8. Thus, this Court wants to peruse the file and identify the persons, who have initiated the process of filing the Letters Patent Appeal being L.P.A. No.590 of 2025.

9. The Director – Secondary Education, Government of Jharkhand, the Secretary - School Education & Literacy Department, Government of Jharkhand, the Law Secretary, Government of Jharkhand, should remain present in person before this Court on 16th December, 2025 at 10:30 A.M., along with the entire file.

10. List this case on 16.12.2025 at 10:30 A.M., as the first case.

11. Let a copy of this order be immediately faxed to the Director – Secondary Education, Government of Jharkhand, the Secretary - School Education & Literacy Department, Government of Jharkhand, the Law Secretary, Government of Jharkhand.

(ANANDA SEN, J.)