

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23091 of 2011

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1. Md.Hussian Ahmad, son of Hafiz Rashid, resident of Village and Post Pureini Momin Tola, P.S. Jagdishpur, District Bhagalpur

2. Kapil Deo Mandal, son of Late Prayag Mandal, resident of village Pista, P.O. Khiribandh, P.S. Jagdishpur, District Bhagalpur

3. Zafar Kalim Hamdani, son of Late Md. Abdul Wahab, resident of Purani Momin Tola, P.O. Purani, P.S. Jagdishpur, Distt. Bhagalpur

4. Kishor Mandal, son of Sri Masudan Mandal, resident of Pista, P.O. Khiribandh, P.S. Jagdishpur, District Bhagalpur

.... Petitioners

Versus

1. The State of Bihar

2. District Magistrate, Bhagalpur

3. The District Mass Education Officer, Bhagalpur

4. The Programme Officer Adult Education, Sabour, District Bhagalpur

5. The Principal Secretary, Education Department, Bihar, Patna

6. Formal Education Invigilator, Nathnagar, Bhagalpur

7. The Director Mass Education Directorate, Bihar, Patna

8. The Additional Director Non Formal Education, Bhagalpur

9. The Principal Secretary, Social Welfare Department, Bihar, Patna

.... Respondents

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Appearance:

For the Petitioners : Mr. Rajendra Kumar Jain, Advocate

For the Respondents : Mr. P.N. Sahi, AAG14

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-12-2016

Heard learned counsel for the petitioners and learned counsel
for the respondents.

2. The present writ petition has been filed for a direction to the respondents for appointment/absorption of the petitioners against any Class IV post who were working on the post of Anudeshak in the non-formal education programme under the respondents in Bhagalpur District and had served in the office of District Mass Education Officer



as Instructor under Jagdishpur Programme from 1994 to 31.03.2001.

3. Without going into the merits of the matter, learned counsel for the petitioners invites attention to the order dated 27.06.2011 passed in CWJC No. 864 of 2011 in the case of a similarly situated person, Sri Ajay Kumar Mishra, wherein it has been held as follows :-

“Having heard Mr. Rajendra Kumar Jain, learned counsel for the petitioner and learned counsel for the State, this writ application is disposed of with the observation that the claim of the petitioner would be governed by the decision which may be taken by the State Government in light of the direction which has been rendered in CWJC No. 8418 of 2010 (Sheo Bhajan Prasad Diwakar and others vs. State of Bihar and others) and other analogous cases decided on 21.04.2011.”

4. Learned counsel for the petitioners states that LPA No. 1489 of 2011 (The State of Bihar and others vs. Sheo Bhajan Prasad Diwakar and others) preferred by the State of Bihar against the order passed in CWJC No. 8418 of 2010 referred to in the aforesaid order dated 27.06.2011 has since been dismissed on 11.08.2015 with certain observations and directions, *inter alia*, that the eligible persons be rehabilitated within a period of six months. A further SLP (C) No. 32079 of 2015 was since dismissed by order dated 26.02.2016 with certain observations.

5. Learned counsel for the petitioners states that in the above backdrop of facts, the process for appointment/absorption has



already been commenced by the State and is underway.

6. Learned counsel for the State fairly accepts the stand of the petitioner and assures that the process of appointment/absorption would be expedited and concluded without undue delay.

7. In the above view of the matter, the writ petition stands disposed of in line with the order of this Court dated 27.06.2011 passed in CWJC No. 864 of 2011 (Annexure-7).

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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