

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2286 of 2015
IN
Civil Writ Jurisdiction Case No. 10275 of 2013**

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1. Kalyani Devi W/O Premnath Shankar Resident Of Village- Mamalkha, P.O.- Mamalkha, P.S.- Sabour, District- Bhagalpur
 2. Geeta Kumari Wife Of Shambhu Poddar Resident Of Village Babupur, P.O. And P.S. Sabaur, District Bhagalpur
 3. Gopal Poddar S/O Jagdish Poddar Resident Of Village- Babupur, P.S.- Sabour, District- Bhagalpur
 4. Manoj Kumar S/O Sri Janardan Prasad Residing At Adarsh Gali Len, G.C. Banarjee Road, Mundichak, P.S.- Kotwali, District- Bhagalpur
 5. Anil Kumar Bharti D/O Sri Bramdeo Mandal Resident Of Village- Babupur, P.O. + P.S.- Sabour, District- Bhagalpur
 6. Dilip Kumar S/O Sri Janardan Prasad Resident Of Adarsh Gali Lane, B.C. Banarjee Road, Mundichak, P.S.- Kotwali, District- Bhagalpur
 7. Mukesh Kumar S/O Sri Bishundeo Prasad Residing At Ganga Bhawan, G.C. Banarjee Road, Mundichak, P.S.- Kotwali, District- Bhagalpur
 8. Kailash Kumar S/O Janardan Poddar Resident Of Village- Bikrampur, P.S.- Bihpur, District- Bhagalpur
 9. Ashok Kumar Bharti S/O Sri Mohan Lal Mandal Resident Of Village- Babupur, P.O. + P.S.- Sabour, District- Bhagalpur

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar Patna
4. The District Magistrate, Bhagalpur, District- Bhagalpur.
5. The District Programme Officer (Establishment), Bhagalpur, District- Bhagalpur.
6. The Block Education Extension Officer, Sabour, District- Bhagalpur.
7. Minakshi Kumari D/O Sri Surendra Yadav Resident Of Village- Bikrampur, P.O. + P.S.- Bihpur, District- Bhagalpur
8. Manisha Kumari D/O Sri Surendra Yadav Resident Of Village- Bikrampur, P.O. + P.S.- Bihpur, District- Bhagalpur
9. Supriya Kumari D/O Sri Janardan Poddar Resident Of Village- Bikrampur, P.S.- Bihpur, District- Bhagalpur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shardanand Mishra, Advocate
Mr. Ranjan Kumar Jha, Advocate

For the Respondent/s :

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH**



ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 27-04-2017

Petitioners were aggrieved by the action of the respondent in not absorbing in the service of the Government Institute after the private institutes were taken over by the Government.

While examining the impugned action, learned Writ Court found that in the impugned annexures, the reasons for which absorption was denied to the petitioners were analyzed, it would be seen that petitioners were appointed between the age of 8 to 15 years and in the case of one petitioner after the age of 25 years.

Taking note of this, the learned Writ Court recorded the following observations and dismissed the writ petition:

“The mockery to which the education system has been taken to in the State of Bihar by the so-called authorities setting up institutions of learning would be evident from a plain reading of Annexure- 7, which is under challenge. The persons, whose details are furnished at page 30, are supposed to be all teachers, who were engaged by the erstwhile managing committee of the school in question. Persons as young as 7 years old were appointed as teachers and the oldest being only 25 years of age. Most of them were minors. The above fact, which is not being seriously disputed, makes it a case for prosecution of one and all, who are involved in such a racket. The facts by themselves are too glaring to even remotely consider interfering with the impugned order contained in Annexure- 7 besides the other factum as to the manner in which the school in question was being run, the lack of infrastructure



and the very existence as such, which has been dealt with in detail, in the speaking order.

Since the counsel for the petitioners does not want to push the matter beyond a point, the Court allows the matter to rest at that or else the Court was inclined to use this a test case and take such matter to its logical end for future reference.

Writ is dismissed.”

We have also gone through Annexure-7 and find that the observations made and the reasons given by the learned Writ Court are correct and, therefore, we are not inclined to interfere into the matter.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	2.5.2017
Transmission Date	N/A

