

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.384 of 2017

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1. Harendra Mishra, son of late Ram Bhawan Mishra, resident of village Tilak Rai Ka Hata, P.O. Barka Rajpur, P.S. Simari, District Buxar
 2. Bhagwan Prasad, son of Shri Nanhaku Prasad, resident of village + Post Barka Singhanpura Narayanpur Bisen, P.S. Simari, District Buxar
 3. Anil Kumar Rai, son of Shri Pashupati Rai, resident of village Dudhi Patti Simari, Post + P.S. Simari, District Buxar
 4. Jitendra Kumar Prasad, son of Shri Daya Nand Prasad, resident of village Dudhi Patti Simari, Post + P.S. Simari, District Buxar
 5. Subas Prasad, son of late Ganga Sagar Prasad, resident of village + Post Manjhawari, P.S. Simari, District Buxar
 6. Ashok Kumar Mishra son of Shri Ram Chandra Mishra, resident of village + Post Keshopur, P.S. Simari, District Buxar
 7. Ram Niwas Singh, son of late Radha Mohan Singh, resident of village + Post Manjhawari, P.S. Simari, District Buxar
 8. Dinanath Ram, son of late Sarju Ram, resident of village + post Simari, Dudhipatti, P.S. Simari, District Buxar
 9. Durgawari Devi, wife of Shri Budhan Pandey, resident of village + post Dudhipatti, Simari, P.S. Simari, District Buxar
 10. Sushil Kumar Mishra son of Sri Ram Kishor Mishra, resident of village + post Simari Dudhipatti, P.S. Simari, District Buxar
 11. Bhagmani Devi, wife of Shri Paras Nath Rai, resident of village + post Simari, P.S. Simari, District Buxar
 12. Manoj Kumar Sharma, son of late Mahendra Sharma, resident of village Simari, Halwapatti, P.O. + P.S. Simari, District Buxar
 13. Sri Ram Yadav son of Shri Shiv Dular Yadav, resident of village + Post Gangauli, P.S. Simari, District Buxar
 14. Anil Kumar Ojha, son of late Daya Shankar Ojha, resident of village + Post Barka Singhanpura, P.S. Simari, District Buxar
 15. Sardha Nand Ram, son of late Kshatra Dhari Ram, resident of village Simari Khairapatti, P.O. + P.S. Simari, District Buxar
 16. Hridya Nand Ram, son of late Kshatradhari Ram, resident of village Simari Khairapatti, P.O. + P.S. Simari, District Buxar
 17. Lalbabu Prasad Keshri, son of late Keshav Keshari, resident of village + Post Simari Dudhipatti, P.S. Simari, District Buxar
 18. Nagendra Prasad Keshri, son of Shri Dinanath Prasad Keshri, resident of village Simari Khairapatti, P.O. + P.S. Simari, District Buxar
 19. Sunaina Devi, wife of Nandlesh Pandey, resident of village Bakulaha, Simari, P.O. + P.S. Simari, District Buxar
 20. Rahman Mohamad, son of Sri Sultan Mohamad, resident of village Barka Gaon, P.O. Nagpura, P.S. Simari, District Buxar
 21. Paras Nath Singh, son of late Ram Newaj Singh, resident of village Bhan Bharauli, P.O. + P.S. Simari, District Buxar
 22. Birendra Prasad, son of Shri Ram Nath Prasad, resident of village + P.O. Dudhipatti, Simari, P.S. Simari, District Buxar
 23. Sri Kant Dubey, son of Shri Kashinath Dubey, resident of village + P.O.+ P.S. P.S. Simari, District Buxar
 24. Mahendra Ram son of late Lalan Ram, resident of village Dharmapura, P.S. Indor, P.S. Itarhiu, District Buxar



25. Santosh Kumar Pandey, son of Shri Sudarshan Pandey, resident of village + P.O. Chaki Pandey Dera, P.S. Brahmpur, District Buxar
26. Sushil Kumar Choubey, son of Shri Shaligram Choubey, resident of village + P.O. Dumari, P.S. Simari, District Buxar
27. Hari Bansh Ram, son of late Sahdeo Ram, resident of village Simari Halwapatti, P.O. + P.S. Simari, District Buxar
28. Meera Sinha, wife of Shri Awadesh Lal, resident of village Rajpur Beni Lal Ke Dera, P.O. + P.S. Simari, District Buxar
29. Ravindra Dubey, son of Shri Deomuni Dubey, resident of village Asha Parari, P.S. Simari, District Buxar
30. Dadan Yadav, son of Shri Ram Beyas Yadav, resident of village + P.O. Barka Rajpur, P.S. Simari, District Buxar
31. Nilima Devi, wife of Shri Jairam Thakur, resident of village Tilak Rai Hata, Post Barka Rajpur, P.S. Simari, District Buxar
32. Uma Devi, wife of Shri Satyanand Mishra, resident of village + P.O. Barka Rajpur, P.S. Simari, District Buxar
33. Surendra Kumar Thakur, son of late Siddhnath Thakur, resident of village Dullahpur, P.O. Niyajipur, P.S. Simari, District Buxar
34. Sanjay Kumar Thakur, son of Shri Tarkeshwar Thakur, resident of village + P.O. Gangauli, P.S. Simari, District Buxar
35. Usha Devi, daughter of Ram Lal Singh, resident of village Yadupurba, P.O. Sarenja, P.S. Rajpur, District Buxar
36. Rajesh Kumar Choubey, son of late Gorak Nath Choubey, resident of village Civil Line Khadan Area, P.O. + P.S. Buxar Town, District Buxar
37. Rajesh Kumar Yadav, son of Shri Ram Nath Yadav, resident of village Tawakal Rai Ke Dera, P.S. Simari, District Buxar
38. Chhathu Yadav, son of Bishwanath Yadav, resident of village Niyajipur Lal Singh Ke Dera, P.S. Simari, District Buxar
39. Surendra Yadav, son of Shri Rajnath Yadav, resident of village Tilak Rai Ka Hata, P.S. Simari, District Buxar
40. Tribhuwan Prasad, son of Shri Barmeshwar Prasad, resident of village Srikant Rai Ka Dera, Post Gangauli, P.S. Simari, District Buxar
41. Rama Shankar Ram, son of Shri Birja Ram, resident of village Niyajipur Garjan Pathak Ke Dera, P.O. Gangauli, P.S. Simari, District Buxar
42. Parshuram Yadav, son of Shri Shiv Shankar Yadav, resident of village Niyajipur Jiyen Ke Dera, P.O. Niyajipur, P.S. Simari, District Buxar
43. Ganga Sagar Singh, son of Shri Paras Nath Singh, resident of village Jiyajipur Abilakh Yadav Ke Dera, P.S. Simari, District Buxar
44. Chhathu Lal Yadav, son of Shri Ram Gobind Yadav, resident of village Garjan Pathak Ke Dera, P.O. Gangauli, P.S. Simari, District Buxar
45. Ramanuj Pathak, son of Ramji Pathak, resident of village Dada Baba Ke dera, P.O. Niyajipur, P.S. Simari, District Buxar
46. Rameshwar Mishra, son of Shri Shiv Shankar Mishra, resident of village + P.O. Barka Gaon Nagpura, P.S. Simari, District Buxar
47. Manoj Kumar Mishra, son of late Narendra Kumar Mishra, resident of village + Post Barka Singhanpura, P.S. Simari, District Buxar
48. Sarvendra Ojha, son of Shri Atrimuni Ojha, resident of village + Post Kharahatar, P.S. Simari, District Buxar
49. Ravi Ranjan Kumar, son of late Ram Narayan Kumar, resident of village + Post Dumari, P.S. Simari, District Buxar
50. Ramesh Kumar Upadhyay, son of late Bhrigunath Upadhyay, resident of village Bagahipatti, P.O. Mahila, P.S. Itarhi, District Buxar



51. Bashishth Tiwary, son of late Sita Ram Tiwary, resident of village + Post Barka Singhanpur, P.S. Simari, District Buxar
52. Sanjay Kumar Upadhyay, son of Shri Nilambar Upadhyay, resident of village + Post Chilahari, P.S. Dumaraw, District Buxar
53. Manoj Kumar Pandey, son of late Lalan Pandey, resident of village + Post Chilahari, P.S. Dumaraw, District Buxar
54. Kamaldeo Ojha, son of Shri Ram Sevak Ojha, resident of village Kharahatar, P.S. Simari, District Buxar
55. Sushil Mishra, son of late Sudarshan Mishra, resident of village + Post Dumari, P.S. Simari, District Buxar
56. Harendra Ojha, son of Shri Atarimuni Ojha, resident of village + P.O. Kharahatar, P.S. Simari, District Buxar
57. Draupadi Devi, wife of Shri Sarvenera Ojha, resident of village + Post Kharahatar, P.S. Simari, District Buxar
58. Markandey Pandey, son of late Rama Shankar Pandey, resident of village Ojhawalia, P.O. Parasiya, P.S. Brahmpur, District Buxar
59. Madhu srivastava wife of Shri Sanjay Srivastava, resident of village Chandpali, Post Nagawa, P.S. Simari, District Buxar
60. Hardeo Prasad Singh Yadav, son of late Ram Chij Singh Yadav, resident of village Manikpur, P.O. Keshopur, P.S. Simari, District Buxar
61. Saroja Devi, wife of late Nagendra Mishra, resident of village + P.O. Keshopur, P.S. Simari, District Buxar
62. Bans Narayan Roy, son of Shri Bandhu Roy, resident of village + P.O. Gajadhar Ganj, P.S. Buxar Nagar, District Buxar
63. Anupurna Devi, wife of Shri Arbind Mishra, resident of village Barkagaon Sabalpatti, P.O. + P.S. Simari, District Buxar
64. Malti Devi, wife of Shri Kashinath Prasad, resident of village + P.O. + P.S. Dumaraon, District Buxar
65. Gita Devi wife of Shri Birbal Rai, resident of village Narahi, P.O. Rauni, P.S. Rajpur, District Buxar
66. Ramjee Choudhary, son of Shri Ramdeo Choudhary, resident of village Nagawa Bin Dera, P.O. Nagawa, P.S. Simari, District Buxar
67. Ashok Kumar Paswan, son of Shri Hari Paswan, resident of village Akdar, P.O. Hattinpur, P.S. Brahmpur, District Buxar
68. Birendra Prasad, son of late Niranjana Prasad, resident of village + Post Umedpur, P.S. Brahmpur, District Buxar
69. Tej Narayan Choudhary, son of late Shivbeyas Choudhary, resident of village + Post Akarasi, P.S. Bagengola, District Buxar
70. Hare Ram Pandey son of late Hari Bansh Pandey, resident of village + Post Nandan, P.S. Dumaraon, District Buxar
71. Nasareen Nikahat, wife of Parvez Imam, resident of village Katkauli, P.O. Ahirauli, P.S. Buxar Industrial, District Buxar
72. Banjhu Ram, son of Shri Amawas Ram, resident of village + P.O. Kamarpur, P.S. Kamarpur, District Buxar
73. Ajit Kumar Ram, son of Sri dasarath Prasad, resident of village dharmapura, P.O. Pasahara, P.S. Itarhi, District Buxar
74. Vidhya Sagar Dubey, son of late Raja Ram Dubey, resident of village Balapur, P.O. Churamanpur, P.S. Industrial Buxar, District Buxar
75. Binod Kumar Singh, son of Shri Munmun Singh, resident of village Itauhana, P.O. Tigana Basaw Kala, P.S. Itarhi, District Buxar
76. Satyendra Singh, son of late Palatu Singh, resident of village + P.O. Purana Bhojpur, P.S. Dumaraon, District Buxar



77. Anirudha Singh, son of late Sonapati Singh, resident of village Dharahara, P.O. Turiganj, P.S. Krishna Brahm, District Buxar
78. Om Praksh Singh, son of late Dhanpal Singh, resident of village + P.O. Sowar, P.S. Krishna Brahm, District Buxar
79. Baban Singh, son of Shri Bhola Singh, resident of village Natadera, P.O. Ariyawan, P.S. Krishna Brahm, District Buxar
80. Urmila Devi, wife of Shiv Prasan Prasad, resident of village + P.O. Chhatnawar, P.S. Krishna Brahm, District Buxar
81. Ajay Kumar Prasad, son of Ram Sanchi Prasad, resident of village + P.O. Chhatnawar, P.S. Krishna Brahm, District Buxar
82. Kaushalya Devi, wife of Shri Gopal Prasad, resident of village Nomia Dera, P.O. Amasari, P.S. Dumaraon, District Buxar
83. Bir Bahadur Singh, son of Shri Kashinath Singh, resident of village Banneji Dera, P.O. Purana Bhojpur, P.S. Dumaraon, District Buxar
84. Ajay Kumar Pathak, son of Shri Nandji Pathak, resident of village Bharkahara, P.O. Nenua, P.S. Dumaraon, District Buxar
85. Kalawati Kumari, wife of Jitendra Bahadur Singh, resident of village Banneji Dera, P.O. Purana Bhojpur, P.S. Dumaraon, District Buxar
86. Satyendra Kumar Rai, son of late Lachhuman Rai, resident of village Udiyanganj, P.O. Chhatnawar, P.S. Krishna Brahm, District Buxar
87. Indrawati Devi, wife of late Praduman Singh, resident of village + Post Ariyawan, P.S. Krishna Brahm, District Buxar
88. Mahendra Kumar Singh, son of late Ramji Singh, resident of village + Post Ariyawan, P.S. Krishna Brahm, District Buxar
89. Nand Bihari Singh, son of late Godhan Singh, resident of village Dubhaki, Post Ariyawan, P.S. Krishna Brahm, District Buxar
90. Sumitra Devi, wife of Dharendra Singh, resident of village Samausar, Post Bahuara, P.S. Nawanagar, District Buxar
91. Lalita Devi, wife of Chandra Shekhar Singh, resident of village dubhaki, Post Ariyawan, P.S. Krishna Brahm, District Buxar

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Personnel and Administrative Reforms, Govt. of Bihar, Patna.
4. The Director, Mass Education, Govt. of Bihar, Patna.
5. The District Education Officer, Bhojpur.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 2314 of 2017

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1. Satyendra Prasad Yadav @ Satyendra Pd. Yadav son of Shri Narayan Prasad Yadav resident of village - Litiyahi, Post - Dinapatti, P.S. - Pipra, District - Supaul.
2. Raj Nandan Kumar son of Shri Sukhdeo Kamat resident of village - Makroy Nautol, P.S. - Pipra, District - Supaul.
3. Satish Kumar Singh son of Late Shri Pitambar Singh resident of village - Anandi Patti, Post - Maheshpur, P.S. - Ganpat Ganj, District - Supaul.
4. Rambha Ranjan daughter of Shri Deo Narayan Mandal resident of village + Post - Bsha, P.S. - Pipra, District - Supaul.



5. Gajendra Yadav Son of Late Shri Bhagwat Yadav resident of Village + Post - Lattaina, P.S. - Triveniganj, District - Supaul.
6. T.B. Sanjan wife of Shri Baldev Yadav resident of Village - Mayurba, Post - Kushaho, P.S. - Triveniganj, District - Supaul.
7. Uday Nand Bishwas son of Shri Beda Nand Bishwas resident of Village - Makroy, Post - Maheshpur, P.S. - Pipra, District - Supaul.
8. Md. Zannat Hussain @ Md. Zainnat Hussain son of Md. Allaiddin resident of Village + Post - Sakhua, P.S. - Pipra, District - Supaul.
9. Kundan Kumar Gupta son of Shri Singeshwar Prasad Gupta resident of Village + Post + P.S. - Pipra, District - Supaul.
10. Rabindra Mandal son of Late Shri Jagannath Mandal resident of Village + Post - Sakhua Panchagat Dinapatti, P.S. - Pipra, District - Supaul.
11. Keshav Kumar Singh Son of Shri Madan Prasad Yadav resident of Village + Post - Koshali Patti, P.S. - Pipra, District - Supaul.
12. Manoj Kumar son of Shri Madan Prasad Yadav resident of Village + Post - Kaushalipatti, P.S. - Pipra, District - Supaul.
13. Chandeshwari Yadav @ Chandeshwari Prasad Yadav son of Shri Chichai Prasad Yadav resident of Village - Sukhasani, Post - Dinapatti, P.S. - Pipra, District - Supaul.
14. Braham Dev Mandal son of Late Shri Bhuneshwar Mandal resident of Village + Post - Tulapatti, P.S. - Pipra, District - Supaul.
15. Chandrashekhar Mandal son of Late Shri Bhaju Mandal resident of Village + Post - Tulapatti, P.S. - Pipra, District - Supaul.
16. Visheshwar Sahu @ Visheshwar Sah son of Late Shri Nakchhedi Sah resident of Village + Post - Tulapatti, P.S. - Pipra, District - Supaul.
17. Fuleshwar Mandal son of Late Shri Shanichar Mandal resident of Village + Post - Tulapatti, P.S. - Pipra, District - Supaul.
18. Kumari Anusiya wife of Shri Kamleshwari Mandal resident of Village + Post - Tulapatti, P.S. - Pipra, District - Supaul.
19. Kamleshwari Mandal son of Bhaju Mandal resident of Village + Post - Tulapatti, P.S. - Pipra, District - Supaul.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Personnel and Administrative Reforms Govt. of Bihar, Patna.
4. The Director Mass Education, Govt. of Bihar, Patna.
5. The District Education Officer, Supaul.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 46 of 2017

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1. Arun Kumar Singh, son of Sri Ramjug Singh, resident of Village- Gauradih, P.O.- Bhakura, P.S.- Tarari, District- Bhojpur (Ara).
2. Sunita Kumari @ Sunita Devi, wife of Sri Dinesh Kumar, resident of Village- Gauradih, P.O.- Bhakura, P.S.- Tarari, District- Bhojpur (Ara).
3. Binda Devi, wife of Sri Raja Singh, resident of Village- Hurarua, P.O.- Shivpur, Bhaiya, Hasan Bazar, P.S.- Tarari, District- Bhojpur (Ara).
4. Kamala Devi, wife of Sri Bala Singh, resident of Village- Mishir Karma, P.O.-



Shivpur Bhaiya, Hasan Bazar, P.S.- Tarari, District- Bhojpur (Ara).

5. Baban Singh, son of Late Keshwar Singh, resident of Village- Hurarua, P.O.- Shivpur, Bhaiya, Hasan Bazar, P.S.- Tarari, District- Bhojpur (Ara).

6. Bishwanath Singh, son of Sri Brij Mohan Singh, resident of Village- Harnathdih, P.O.- Shivpur Bhaiya, Hasan Bazar, P.S.- Tarari, District- Bhojpur (Ara).

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.

2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.

3. The Principal Secretary, Department of Personnel and Administrative Reforms, Govt. of Bihar, Patna.

4. The Director, Mass Education, Govt. of Bihar, Patna.

5. The District Education Officer, Bhojpur.

.... Respondents

Appearance :

(In CWJC No.384 of 2017)

For the Petitioner/s : Mr. Maya Shankar Mishra, Adv.

For the Respondent/s : Ms. Abhanjalli, AC to GA12

(In CWJC No.2314 of 2017)

For the Petitioner/s : Mr. Maya Shankar Mishra, Adv.

For the Respondent/s : Mr. Prabhakar Jha, GP27

(In CWJC No.46 of 2017)

For the Petitioner/s : Mr. Maya Shankar Mishra, Adv.

For the Respondent/s : Mr. Rajeev Ranjan, AC to GP20

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 03-03-2017

Heard Mr. Maya Shankar Mishra, learned counsel for the petitioners in the three writ petitions, Ms. Abhanjalli, AC to GA-12 in C.W.J.C.No. 384/2017, Mr. Madanjeet Singh, AC to GP-27 in C.W.J.C.No. 2314/2017 and Mr. Rajeev Ranjan, AC to GP-20 in C.W.J.C.No. 46/2017, for the State

The grievance of the petitioners in the three writ petitions is common and even the foundation for the relief is identical. The matters thus have been heard analogous and with the consent of the parties are being disposed of at the stage of admission itself.



The petitioners in the three writ petitions have been appointed as Instructor under the Scheme of the Government of India known as Non-formal Education Programme and were disengaged on the closure of the Scheme in the year 2001. Some of the Supervisors, who had similarly been engaged under the Programme and disengaged on the closure thereof, moved this Court through C.W.J.C.No. 8110/2001 and which writ petition was disposed of on information being given that the State was under active consideration for absorption of those Supervisors. However, no steps were taken for absorption of the Instructors and which persuaded them to move this Court in C.W.J.C.No. 8418/2010 and a Bench of this Court in consideration of accompanied circumstances disposed of the writ petition in the following terms:

" In the circumstances, this Court finds that the respondents are not justified in not absorbing the Instructors also in regular service at least on Class-IV posts and on the lines they have absorbed the Supervisors of the Programme. In the circumstances, this Court directs the respondents to apply the same policy in respect of the Instructors of the Programme also and absorb them in regular Government service as per their qualification and eligibility. For this purpose, the respondents shall identify such Instructors of the Programme who were validly appointed and subsequently stand thrown out on account of closure of



the Programme and issue orders for their absorption positively within a period of four months from the date of receipt/ production of a copy of this order.

The writ application is, accordingly, allowed with the aforesaid observations and directions."

The State went in appeal against the judgment of the Writ Court giving rise to L.P.A.No. 1489/2011 and the Division Bench while dismissing the Letters Patent Appeal had held as follows:

"8. Having taken a policy decision to rehabilitate non-formal Supervisors and this Court having held that the distinction being drawn between Supervisors and Instructors having no legal basis, this policy has to extend to the Instructors. Not extending the same would be more arbitrary than extending.

9. Having considered the matter, it is unnecessary for us to take note of various stages to which this litigation has traveled. Suffice it to say that the only distinction that was being made was the classification pre-retrenchment and extending it to post- retrenchment, which they have already deprecated. The result being that State Appeal has to be dismissed and the writ petitions have to be allowed, also the Civil Review would have to be allowed.

10. We would only like to add that the State policy in respect of Supervisors be adopted *mutatis mutandis* with only addition that it would apply to the Instructors, who were found working for three years continuously, at the time when the non-formal



education scheme was abolished, in which they were. The respondents/ writ petitioners do not insist on Class III posts but submits that State Government should take them into service even on Class IV posts as per the vacancies available in different Departments. It surely cannot extend to people, who, at any distinct point of time, had worked for a short period and then left the work. They can have no legitimate claim in this regard.

11. In view of the aforesaid, this Letters Patent Appeal is dismissed with observations and directions contained hereinabove. The tagged writ petitions are allowed in the same terms, the Civil Review is also allowed and the writ petition stands disposed of.

12. Needless to say that most of the Instructors would be in advance age group, the rehabilitation cannot be provided, of course, not to extend to those who have reached the age of superannuation or are towards the end of their working career.

13. It is expected that the State Government would take expeditious steps to see that eligible people are rehabilitated, such processes should be completed within a period of six months."

Not being satisfied the State went in Special Leave Petition before the Supreme Court in S.L.P.(Civil) 32079/2015 and which was dismissed. A review application was filed by the Association and some individuals before the Division Bench giving rise to M.J.C.No. 1931/2016 and analogous cases and since there was a confusion as



regarding interpretation of three years continuous service by the Instructors concerned that the same was clarified by the Division Bench in the following terms:

" Having considered the matter, in our opinion, the order of the learned Single Judge clearly indicates that the original scheme did come to an end in 1995. The object would be extended under different scheme or could have been extended under different schemes to 2001 but the fact remains that what was intended by the Division Bench was that those Instructors who had continuously worked for three years are to be rehabilitated *mutatis mutandi* to that of Supervisors. We are surprised why the State notwithstanding being a welfare State is raising hypertechnical objections. All we can say is when there is a conflict between the duties of a welfare state and technicalities, when it comes to the rights of citizen, technicalities have to take a back seat. It is only in that manner that substantial justice can be done. The whole litigation was for rehabilitation of the non-formal Instructors, in a manner similar to that of the Supervisors. If this is kept in mind there would be no confusion as to who are required to be rehabilitated. We hope and trust that with this clarification State would harbour no further confusion and would do what is just and fair and do not drive the citizens to another round of litigation.

With these observations and modification applications stand disposed of."



Since the Supreme Court while dismissing the Special Leave Petition had observed that the orders of this Court would extend to only those who had approached the High Court, this prompted some of the Instructors to move the Supreme Court under Article 32 of the Constitution of India by filing a Writ Petition (Civil) No. 883/2016 for similar relief and the writ petition was permitted to be withdrawn with liberty to approach this Court and that is how they are before this Court.

In between an issue was raised by one Meera Kumari and Punam Devi before this Court by filing Miscellaneous Jurisdiction Case No. 3765/2016 complaining that the relief was being restricted to only those persons who are party to the proceedings and not being extended to other similarly situated persons. The Division Bench clarified the position by passing the following order:

"3. To us, problem is simple. The Apex Court, in the case of *Ashwani Kumar & others v. State of Bihar & others*, since reported in *AIR 1997 Supreme Court 1628*, in paragraph 17, has clearly held that all persons, similarly situated, whether they have moved the Court or not, must be similarly treated. Those, who were waiting in the wings, cannot be denied the relief which is granted by the Court unless the relief is personal to the person. In our view, similar is the provision of Clause 4(c) of the Bihar State Litigation Policy which clearly envisages that not everybody is required to



move the Court. Persons, in similar circumstances, must be treated similarly.

4. In that view of the matter, all we say is if the authorities find that the petitioners are similarly circumstanced to the other persons, they would be similarly treated."

In view of the developments noted above, the case of the petitioners would also require a consideration by the respondents. It is stated by Mr. Mishra that although these petitioners have already applied but the matter is not being disposed of.

Having heard learned counsel for the parties and considering that the issue stands settled, I deem it proper to dispose of all these writ petitions with a direction to respondents no. 2 to 4 to consider the claim of the petitioners in the backdrop of the issues settled by the Court and dispose of the same within a maximum period of three months from the date of receipt/ production of a copy of this order.

All the writ petitions are accordingly disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	16.03.2017
Transmission Date	NA

