

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1524 of 2016

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1. Ashok Kumar Singh S/o Late Jagdish Prasad Singh Resident of village - Jagarnathpur, P.O. Amdanda, P.S. Sanhaula, Distt. Bhagalpur
 2. Pawan Dev Singh Son of Sri Arjun Prasad Singh Resident of village - Ankitta, P.S. Sanhaula, Distt. - Bhagalpur
 3. Pramod Kumar Son of Sri Hari Narayan Sah Resident of village - Birnodh, P.O. + P.S. Sabaur, Distt. Bhagalpur
 4. Manju Kumari Wife of Ashok Kumar Singh Resident of village - Jagarnathpur, P.O. Amdanda, P.S. Sanhaula, Distt. Bhagalpur
 5. Amresh Kumar Son of Late Arjun Prasad Singh Resident of village - Ankitta, P.O. Tarar, P.S. Amdanda (Sanhaula), Distt. Bhagalpur
 6. Bipin Kumar Shah Son of Laxmi Prasad Sah Resident of village - Kajraily, P.S. Kajraily, Distt. Bhagalpur
 7. Ravindra Kumar Son of Sri Ganesh Prasad Singh Resident of village - Birnodh, P.O. + P.S. Sabaur, Distt. Bhagalpur
 8. Bipin Kumar Singh Son of Sri Arjun Prasad Singh Resident of village - Ankitta, P.O. Amdanda P.S. Sanhaula, Distt. Bhagalpur
 9. Bishwajeet Kumar Singh Son of Late Thakur Prasad Singh Resident of village - Didanagar, P.O. + P.S. Pathakdih, Distt. Bhagalpur
 10. Sunil Kumar Singh Suman Son of Sri Mathuranath Singh Resident of village - Ranipur, P.O. + P.S. Kahalgaon, Distt. Bhagalpur
 11. Chandrashekhar Kumar Son of Cheprasi Mandal R/vill. Kuruha, P.S. Kakalgaon, Distt. Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar Sri D.S. Gangwar The Principal Secretary Department of Education Government of Bihar Main Secretariat, Patna
2. Sri Amir Shubhani The Principal Secretary Department of General Administration Government of Bihar, Main Secretariat, Patna
3. Sri Sunil Kumar Singh, The Director Primary Education Department of Education Government of Bihar, Main Secretariat, Patna
4. Sri Phool Babu Choudhary The District Education Officer Bhagalpur
5. Sri Amit Kumar The District Education Officer, Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 15-09-2017

Heard learned counsel for the petitioners and counsel for



the respondents.

In this case, the petitioners have made a grievance that the respondent authorities have flouted the order dated 11.8.2015 passed in L.P.A. No. 1489 of 2011 and analogous cases.

In paragraph no.10, the Court has directed for adjustment of writ petitioners even on Class-IV posts if the vacancies are available in different Departments. It is relevant to quote Paragraph no.10 of the aforesaid order which reads as follows:-

“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.”

So far, supplementary show-cause has been filed, in paragraph no.7, it has been stated that as the enquiry was conducted and the District Level Committee has found that out of total 11 number of petitioners of this case, 8 petitioners have been forwarded for absorption, status of remaining 3 petitioners, namely, petitioner



nos. 5, 7 and 11 are not clear. So far, out of 8 petitioners, the name of petitioner nos. 4 and 9 have been recommended for absorption and appointment and with respect to remaining 6 persons, petitioner nos. 3, 6, 8 & 10 are in the waiting list, as and when the vacancy will be available, they will be adjusted.

Learned counsel for the petitioners submits that the status is not clear with respect to petitioner nos. 5, 7 and 11 as they have not mentioned in what ground they were not found eligible.

Let the petitioners should approach to the Authority and the Authority will give information for non-inclusion of their names in the recommendation for absorption. If the petitioners would find further any grievance, they will be at liberty to take action in accordance with law.

With the aforementioned observation, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.09.2017
Transmission Date	NA

