

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.771 of 2017

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1. Raj Kumar Singh, Son of Late Ramkaran Singh, resident of Village- Pirhi, Police Station- Kurtha, District- Arwal.
 2. Kamla Prasad, Son of Shri Rameshwar Prasad, resident of Village- Kisunpur, Police Station- Hulasganj, District- Jehanabad.
 3. Manti Kumari, Wife of Shri Bhupendra Kumar, Resident of Village- Chhatru Bigha, Police Station- Hulasganj, District- Jehanabad.
 4. Avinash Kumar, son of Shri Shivanandan Prasad, resident of Village- Bhagwanpur, Police Station- Hulasganj, District- Jehanabad.
 5. Vibha Kumari, Wife of Shri Dharmendra Kumar, resident of village- Murgaon, Police Station- Hulasganj, District- Jehanabad.
 6. Radhika Kumari, Wife of Shri Vijay Rajak, resident of Village- Ballipur, Police Station- Hulasganj, District- Jehanabad.
 7. Gytri Kumari, Wife of Shri Vijay Kumar, resident of Village- Genda Bigha, Police Station- Hulasganj, District- Jehanabad.
 8. Mitilesh Kewat, Son of Shri Videshi Mallah, resident of Village- Benipur, Police Station- Hulasganj, District- Jehanabad.
 9. Ranvijay Singh, Son of Shri Chandra Dev Singh, resident of Village- Dhautal Bigha, Police Station- Ghosi, District- Jehanabad.
 10. Hemant Kumar Chaudhary, son of Shri Ram Ratan Chaudhary, resident of Village- Ssaidpur, Police Station- Ghosi, District- Jehanabad.
 11. Rakesh Kumar Rousen, Son of Sri Ramashish Prasad 9Yadav, resident of Village- Nawavganj, P.S. Makhadumpur, District- Jehanabad.
 12. Kiran Kumari, D/o Sri Ramchandra Prasad, resident of Village- Jalalpur, P.S.- Kako, District- Jehanabad.
 13. Baldev Kumar Chandrabansi Son of Sri Madhusun Prasad, resident of Village- Narma Math, P.S.- Hulasganj, District- Jehanabad.
 14. Mritunjay Kumar, Son of Sri Tapeswar Pandey, resident of village- Latan Patti, P.S. Kako, District- Jehanabad.
 15. Sunil Kumar, Son of Sri Ram Chandra Yadav, resident of Village- Dhandharapar, P.S.- Ghoshi District- Jehanabad.
 16. Vijay Kumar Bivaw, Son of Sri Dev Nandan Singh, resident of Village- Baidh Bigha, P.S. Kurtha, District- Arwal.
 17. Surendra Bind Son of Sri Rajballam Bind, resident of Village- Gokhulpur, P.S. Kurtha, District- Arwal.
 18. Arvind Kumar Son of Sri Bhuneshwar Yadav, resident of Village- Kurtha, District- Arwal.
 19. Shamshir Alam, Son of Md. Manjur Alam, resident of Village Amsara, P.S. Makhadumpur, Distirct-Jehanabad.
 20. Nitu Kumari, D/o Lakshmi Narayan Singh, resident of Village- Pakhanpur, P.S. Kako, District- Jehanabad.
 21. Rekha Kumari, D/o Sri Badri Prasad, resident of Village- Golakhapur, P.S.- Kako, District- Jehanabad.
 22. Munnu Chaudhary, Son of Sri Lal Chand Chaudhary, resident of Village- Shankarganj, P.S. + District- Jehanabad.
 23. Nirmala Kumari, W/o Sri Kaushlendra Kumar, Resident of Village- Nagwan, P.S.- Kako, District- Jehanabad.
 24. Shambhu Prasad Yadav, Son of Late Gulab Prasad, resident of Village- Sultanpur, P.S.- Tankupa, District- Gaya.
 25. Mina Kumari, W/o Sri Lalan Yadav, Resident of Village- Mahmadpur,



P.S.- Tankupa, District- Gaya.

26. Kamlesh Kumar Singh, Son of Sri Kailash Singh, resident of Village- Bhagwanpur, P.S.- Tankupa, District- Gaya.

27. Mina Kumari, W/o Sri Satendra Kumar, resident of Village- Shivganj, P.S.- Tankupa, District- Gaya.

28. Bhunesh Kumar Singh, Son of Sri Somar Singh, resident of village- Sripalchak, P.S.- Tankupa, District- Gaya.

29. Dinesh Paswan, Son of Sri Shambhu Paswan, resident of Village- Sarkanda, P.S. Tankupa, District- Gaya.

30. Urmila Devi, W/o Sri Shiv Kumar Prasad, resident of Village- Bhagatchak, P.S.- Sonbiga, P.S.- Tankupa, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

2. The Principal Secretary, Human Resource Department, Government of Bihar, Patna.

3. The Director, Primary Education, Government of Bihar, Patna.

4. The District Education Officer, Jehanabad.

5. The Block Education Officer, Hulasganj, Jehanabad.

6. The Block Education Officer, Ghosi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Respondent/s : Mr. Smt.Shilpa Singh-Ga12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

2 04-12-2017

Heard learned counsel for the petitioners and the counsel appearing on behalf of the State.

Petitioners have approached this court for quashing of the order dated 31.08.2015 and for a direction to the respondents to appoint the petitioners on the post of Lok Sikshak from the date of their initial appointment.

The petitioners and others have earlier approached this court by way of filing writ petition in the year 2008 vide order



dated 21.3.2012 their writ petition was disposed of by this court in the following terms:-

“Considering all these aspects, this court, without expressing any opinion on the merits of the claim of the petitioners, would give them liberty to file their representation before the Principal Secretary of the Human Resources Development, Department, Bihar, who in the light of the scheme of the Government as with regard to the earlier abolished of Panchayat Shiksha Mitra and the post of Lok Shikshak will place the matter before the State Government and obtain necessary orders as with regard to extending the same facility of the post of Panchayat Shiksha Mitra to the Lok Shikshak.

With the aforementioned observations and directions, these applications are disposed of.”

After the order dated 21.3.2012, the case of the petitioners was placed for consideration before the Principle Secretary, Education Department and vide order dated 31.8.2015, the Principal Secretary declined to pass order for adjustment of the petitioners as Panchayat Shikshak.

After going through the order passed by the writ court as well as the follow-up order passed by the Principal



Secretary, Education Department, the court does not find any infirmity in the decision of the Principal Secretary, Education Department. After the judgment of the Apex Court **in the case of Secretary, State of Karnataka vs. Uma Devi (2006) 4 SCC 1** no positive order for regularization can be passed by any court and as such this court is of the view that the petitioners cannot claim as matter of course their regularization. However, considering the fact that the petitioners have worked under the scheme of the State Government in furtherance of literacy campaign, this court is of the view that in the event the process of regular appointment are undertaken by the State Government and if the petitioners applies for consideration of their case for regular appointment, the respondents shall consider the age relaxation to the extent they have worked under the scheme as one time measure.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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