

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4865 of 2012

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1. Krishna Nath Manjhi, Son of Jagdeo Manjhi, Resident of Village-Mangalpur, P.S.-Mohamadpur, District-Gopalganj
2. Krishna Rai, Son of Ram Ayodhya Rai, Resident of Village-Mangalpur, P.S.-Mohamadpur, District-Gopalganj
3. Ranju Kumari, Daughter of Late Yogendra Singh, Resident of Village-Manjhagarh, P.S.-Manjhagarh, District-Gopalganj
4. Vandana Kumari, Daughter of Mankeshwar Nath Ray, Wife of Dhruv Narayan Singh, Resident of Village-Manjhagarh, P.S.-Manjhagarh, District-Gopalganj
5. Shashi Prabha Devi @ Shashi Prabha Kumari, Daughter of Umakant Singh, Resident of Village-Rajokhar, P.S.-Gopalganj, District-Gopalganj
6. Satendra Tiwary, Son of Late Sachidanand Tiwary, Resident of Village-Tiwary Khareya, P.S.-Gopalpur, District-Gopalganj
7. Brij Kishore Singh, Son of Amla Singh, Resident of Village-Karariya, P.S.-Gopalganj, District-Gopalganj
8. Raghwendra Pratap Singh, Son of Chandrabali Singh, Resident of Village-Karariya, P.S.-Gopalganj, District-Gopalganj
9. Ram Swarath Sharma, Son of Sudama Sharma, Resident of Village-Mashan Thana, P.S.-Jadopur, District-Gopalganj
10. Ripu Sudan Pandey, Son of Sri Lalan Pandey, Resident of mohalla -Sareya Ward No.-1, P.S.-Gopalganj, District-Gopalganj
11. Kamlesh Singh, Son of Dwarika Prasad Singh, Resident of Village-Motipur, P.S.-Bhore, District-Gopalganj
12. Mohamad Alim, Son of Samsher Hussain, Resident of Village-Sahdulepur, P.S.-Gopalganj, District-Gopalganj
13. Lalan Singh, Son of Sri Bacha Singh, Resident of Village - Koini, P.S.-Manjhagarh, District-Gopalganj
14. Manju Devi Wife of Sri Sachida Nand Pandey Resident of Bedawali, P.S.-Kuchaykote, District-Gopalganj
15. Vijay Kumar Singh, Son of Bishwanath Singh, Resident of Hirapakad, P.S.-Jadopur, District-Gopalganj
16. Manoj Kumar Gupta, Son of Late Shivnath Sah, Resident of Village-Jadopur, P.S.-Jadopur, District-Gopalganj
17. Jitendra Prasad, Son of Baijnath Prasad, Resident of Village-Jadopur, P.S.-Jadopur, District-Gopalganj

.... Petitioners

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Old Secretariate, Patna
2. The Principal Secretary, Department of Human Resources Development, Govt. Of Bihar, Patna
3. The Principal Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna

.... Respondents

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Appearance :

For the Petitioners : Mr. Arbind Kumar Singh, Advocate

For the Respondents : Mr. AC to Pr. AAG 1

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-07-2017

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

2. The present petition has been filed for a direction to the respondents to adjust and absorb the petitioners in regular Government service against suitable posts.

3. Learned counsel for the petitioners states that the petitioners were working as Instructors under a scheme known as “Non-Formal Education Programme” formulated in the year 1980-81 for imparting education to the students. It is submitted that similarly situated persons had approached this Court in CWJC No. 8418 of 2010 (*Sheo Bhajan Prasad Diwakar & Ors. Vs. The State of Bihar & Ors.*) which was disposed of by order dated 21.04.2011 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.”

4. Against the said order, State preferred LPA No. 1489 of 2011 and other analogous cases which were also dismissed by order dated 11.08.2015 with certain observations and directions. Further SLP (Civil) No. 32297 of 2015 (*The State of Bihar & Ors. Vs. Sheo Bhajan Prasad Diwakar & Ors.*) along with other analogous cases filed by the State were also dismissed with following observations:-

“The relief granted by the High Court shall be restricted to those who approached the High Court who were heard as well as who wanted to get themselves impleaded and those who have filed applications here at par with those former as well as all those petitioner Instructors which are pending as on date before the High Court but shall not apply to any fresh case either here or before the High Court.”

5. Having regard to the nature of the prayer as well as with consent of the parties, the writ petition is disposed of granting liberty to the petitioners to approach the Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna (respondent no. 2) for appropriate consideration. If any such representation is filed by the petitioners within a period of four weeks



from today, the same shall be considered and disposed of on its own merits in the light of the aforesaid decisions and after grant of opportunity of hearing to the petitioners in accordance with law.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.07.2017
Transmission Date	N.A.

