

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21678 of 2013

1. Awadh Narayan Yadav Son Of Late Mishri Lal Yadav Resident Of Village - Nirmali, Post - Sanskrit Nirmali, Bhaya - Baluaa Bazar, District - Supaul
2. Md. Manzoor Alam Son Of Late Isha Village - Hafla Makhdumpur, P.S. Sernea, District - Katihar
3. Maqsudur Rahman C/O Rabia Erfani, Road No.9, Rajendra Nagar, Patna - 800016
4. Sanjay Ballabh Yadav C/O Raj Traders Agency Gate No.15, Kankerbag, Patna, Near Rajendra Nagar Terminal, Patna
5. Shatrughan Sahani Son Of Late Bhola Sahani Village - Jagdishpur, Post - Nehra, District - Darbhanga
6. Baliram Yadav Son Of Sri Ram Kewal Yadav Resident Of Village And Post - Kulhandiya (Purav Tola), Mohalla - Jamdarin Ke Bagicha Me (Eastern Side), P.S. Koilwar, District - Bhojpur, Ara, Pin 802160
7. Sayad Rijwan Son Of Sayad Azamal Karim Mohalla - Golakpur, Amanant Colony, Post - Mahendru, Patna - 800006
8. Ram Awadhesh Yadav Son Of Sri Algu Chaudhary Resident Of Harwasha, Post And P.S. Gopalganj, District - Gopalganj
9. Harendra Kumar Singh Son Of Sri Mannu Lal Yadav Resident Of Mohalla - Danapur, Gola Road, P.O. + P.S. Danapur Cant, District - Patna Pin 801503
10. Sushil Kumar Yadav Son Of Ram Swarup Yadav Resident Of Village - Rahi, Post - Hardi, P.S. Rudrapur, District - Madhubani
11. Amit Kumar Singh Son Of Late Brij Ballabh Singh Resident Of Village - Charua, Post - Khusrupur, P.S. Daniyawa, District - Patna
12. Umesh Roy Son Of Sri Ram Swarath Roy Resident Of Village - Bir Singh Pur, Post - Basudeopur, P.S. Kalyanpur, District - Samastipur
13. Shahid Hussain Son Of Md. Zakil Hussain 62/A, Apna Gharana, New Milk Coloney, Phulwari Sarif, Patna
14. Mukesh Kumar Son Of Sri Uma Shankar Verma Resident Of Village - Chitrigupt Nagar, Road No.9 A, Takiyapar, Danapur, Patna

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Education Department, Govt. Of Bihar, Patna
2. The Principal Secretary, Education Department, Govt. Of Bihar, Patna
3. The Director, Secondary Education, Govt. Of Bihar, Patna
4. The Chairman, Bihar School Examination Board, (Senior Secondary), Budh Marg, Patna
5. The Secretary, Bihar School Examination Board, (Senior Secondary), Budh Marg, Patna

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Siyaram Shahi, Adv, Mr. Gajendra Kumar Singh, Adv and Mr. Anil Kumar, Adv
For the State : Mr. Ajay Behari Sinha GA-8.
For the Board : Mr. Manish Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 03-04-2018

Heard learned counsel for the parties.

Learned counsel for the petitioners prays for and is allowed to correct the name of petitioner no. 12, which has been typed as Ramesh Roy in place of Umesh Roy, during the course of the day.

The present petition under Article 226 of the Constitution of India has been filed for issuance of a direction to regularize their services to grant them all benefits of a regular employee since the date of their appointment.

The petitioners were appointed by the Chairman of Bihar Intermediate Education Council on the post of Assistants in the year 1994-96 on the basic pay of Rs. 15,000/- on Adhoc basis. Bihar Intermediate Education Council had sanctioned strength of 979 posts of different categories out of which 422 posts were approved by the Government out of which total 360 posts of Assistant cum Typists were sanctioned by the Council and a total of 260 posts of Assistant-cum-Typists were approved by the Government.



The Bihar Intermediate Education Council Act, 1992 was repealed by Bihar Intermediate Education Council (repeal Act 2007). As per Section 3 of the repeal Act, adjustment of employees of the Bihar Intermediate Education Council shall continue to be paid sum, salary and allowances as was payable to them on the date of repeal of the Act till such time State Government has taken a final decision.

The State Government constituted a Committee of Secretaries to prepare detailed scheme of absorption, retirement, compulsory retirement or voluntary retirement screening of appointment and determination of other service conditions of employees of the Council. Education Department of Government of Bihar, prepared report of Three Members Committee but the said resolution was not implemented. However, there was another Committee constituted by the Board. The Apex Court in its judgment and order dated 03.02.2018 arising out of L.P.A. No. 1560 of 2013 had disapproved the decision of not accepting the report of Three Man Committee and constitution of fresh Committee and found it to be not permissible. The Apex Court held that once the Committee as per the repeal Act has submitted its report it was for the State Government to act in terms of the report. The High



Court had directed State Government to consider the case of the appellants in the light of Government resolution.

Learned counsel for the petitioners has submitted that their case may be disposed of in terms of judgment and order dated 13.02.2018 passed by the Apex Court in S.L.A (C) No. 34154 of 2016 and accordingly, the case of petitioners is to be considered in terms of order passed by the Apex Court.

The writ petition stands disposed of in the said terms.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.04.2018
Transmission Date	N/A

