

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1476 of 2019

1. Sanjay Kumar, son of Rajdev Thakur Resident of Village-Mlahana Dhumnagar, A.N.C. Bachavanpur Hat, District-Siwan
2. Dharmveer Kumar, son of Rajendra Singh Resident of Village-Barwaghat, ANC-Masarakh, District-Saran
3. Sunita Devi, wife of Kundan Kumar Kushawaha Resident of Village-Padnaul, ANC Masarakh, District-Saran
4. Suman Kumar Mishra, son of Pramodh Kumar Pathak Resident of Village-Baluaa, ANC Masarakh, District-Saran
5. Rekha Kumari, wife of Sanjay Kumar Singh Resident of Village-Devriya, ANC Masarakh, District-Saran
6. Sanjeev Kumar Singh, son of Nathuni Singh Resident of Village-Charihara, ANC Masarakh, District-Saran
7. Nitu Kumari, Balram Mishra Resident of Village-Gopalpur, ANC Baniyapur, District-Saran
8. Priyanka Kumari Abhimanyu Singh Resident of Village- Bhoraha, ANC Panapur, District-Saran
9. Raj Kishor Ram, son of Late Nirgun Ram Resident of Village- Bhoraha, ANC Panapur, District-Saran
10. Lalan Ram, son of Devlal Ram Resident of Village- Bhoraha, ANC Panapur,
11. Jitendra Ram, son of Hiralal Ram Resident of Village- Bangara, District-Saran
12. Manoj Kumar Ram, son of Indradev Ram Resident of Village- Shisaai, ANC Masharakha, District-Saran
13. Akhilesh Kumar, son of Chandrika Prasad Resident of Village-Ahir Toli Nalbanli, ANC Bhagwanpur Hat, Siwan, District-Siwan
14. Ram Nath Prasad, son of Dhuplal Prasad Resident of Village-Dhuniya Tola Sampur ANC, Basantpur District-Siwan
15. Binod Kumar Pandit, son of Shishupal Pandit Resident of Village-P.O.M. Kuari ANC, Dariyapur, District-Saran
16. Ranjan Kumar, son of Umesh Kumar Singh Resident of Village-Padumpur, P.O. Dumarsan Bangra ANC. Masharakh, District-Saran
17. Surendra Ray, son of Daroga Ray Resident of Village-Padumpur, P.O. Dumarsan Gangra, ANC, -Masharkh, District-Saran
18. Anish Kumar, son of Harendra Kumar Singh Resident of Village-Sajoi Giri Tola Bilashpur ANC, Bhagvanpur, District-Siwan
19. Nitesh Kumar, son of Harendra Prasad Singh Resident of Village-Sajot Giri Tola Bilashpur, ANC Bhagwanpur, District-Siwan
20. Rojadin Ansari, son of Noor Mohamad Ansari Resident of Village-Bhikhamapur Saheb Ray ANC Bhagvanpur Ketola, District-Siwan
21. Virendra Yadav, son of Baliram Yadav Resident of Village-Bassohi Yadav Tola ANC, Bagwanpur, District-Siwan
22. Biharilal Mishra, son of Baidhnath Mishra Resident of Village-Gandaman, P.O. Serukaha ANC, Masharakh District-Saran
23. Md. Israfil Ansari, son of Subhan Ansari Resident of Village-Brahimpur Chakrapani, ANC-Masharakh, District-Saran
24. Saroj Kumar Singh, son of Siya Singh Resident of Village-Jajauli (Bali Bisunpura), P.O. Bansohi, ANC-Masharakh, District-Saran
25. Satyanarayan Prasad, son of Sankar Prasad Resident of Village-Khal Ranpur, ANC, Masharakh, District-Saran



26. Archana Kumari Akhilesh Singh Resident of Village-Baduaara, P.O. Sherukhaara ANC. Masharakh, District-Saran
27. Umesh Kumar Shukla, son of Late Raghunandan Shukla Resident of Village-Khajuri, ANC Mashrakh, District-Saran
28. Surmila Devi Arun Singh Resident of Village-Sanjha P.O. Basant ANC Dariyapur, District-Saran
29. Akhilesh Kumar Singh, son of Shree Bhagvan Singh Resident of Village-Karn Kudria, P.O.-Dumarsan Bangra ANC Masharakh, District-Saran
30. Mahesh Prasad Yadav, son of Mokhatar Prasad Yadav Resident of Village-Bangra, P.O. Dumarsan Bangra, ANC Masharakh, District-Saran
31. Mithilesh Kumar Singh, son of Ganesh Singh Resident of Village-Devriya, P.O. Bahrouli ANC. Masharakh, District-Saran
32. Vijay Kumar Ray, son of Prabhunath Ray Resident of Village-Pakari, ANC Masharakha, District-Saran
33. Naresh Manjhi, son of Sukhal Manjhi Resident of Village-Masharakha, District-Saran
34. Umesh Prasad Chaurasiya, son of Vishwanath Bhagat, Resident of Village-Khaira Kahanpur Block-Nagra, District-Saran
35. Harishankar Prasad Yadav, son of Vishwanath Yadav Resident of Village-Kakadhia Block-Nagra, District-Saran
36. Jai Mangal Manjhi, son of Late Laxman Manjhi Resident of Village-Maksuspur, Block-Nagra, District-Saran
37. Chandrashekhar Narayan Singh, son of Jagarnath Singh Resident of Village-Sareya Rahnakar, District-Saran
38. Ramudit Manjhi, son of Late Nakul Manjhi Resident of Village-Jitwarpur, P.O.Barkabaneya District-Saran
39. Ramakant Singh, son of Late Shambhu Singh Resident of Village-Pachraur, District-Saran
40. Sitesh Kumar Singh, son of Jay Mangal Singh Resident of Village-Aashuchak, P.O. Pacharaur, District-Saran
41. Jitendra Kumar Singh, son of Ram Ayodhaya Singh Resident of Village-Balhari P.O. Traiya, District-Saran
42. Ramdev Ray, son of Meva Ray Resident of Village-P.O.-Hansapir, District-saran
43. Dinesh Kumar Singh, son of Bhagrasan Singh Resident of Village-P.O. Nansapir, District-Saran
44. Pramod Kumar Ray, son of Duman Ray Resident of Village-Jajouly, P.O. Bansohi, District-Saran
45. Anita Kumari, D/O Akhilesh Kumar Singh Resident of Village-P.O. Dhenuki, District-Saran
46. Renu Devi. W/o Krishana Tivari Resident of Village-Pirari, P.O. Sutihar ANC-Dariyapur, District-saran
47. Sudishat Manjhi, son of Jagdish Manjhi Resident of Village-Bajraha, P.O. Sutihar ANC Aariyapur, District-Saran
48. Dhupan Mahto, son of Ram Prasad Mahato Resident of Village-Jitvarpur, P.O. Barka Baneya, ANC-Dariyapur District-Saran
49. Ramesh Mahto, son of Chandrika Mahto Resident of Village-Jitavarpur, P.O. Baraka Baneya ANC-Driyapur District-Saran
50. Rajesh Kumar, son of Suresh Bahadur Varma Resident of Village-Jitavarpur, P.O.-Baraka Baneya ANC Dariyapur, District-Saran
51. Pramod Kumar Parvana, son of Jagarnath Prasad Resident of Village-Bhaghakol, ANC-Kakeh District-Saran



52. Narendra Kumar Singh, son of Daroga Singh Resident of Village-Baghakol ANC Maker District-Saran
53. Ravindra Kumar Ram, son of Parma Ram Resident of Village-Baghakol ANC Maker District-Saran
54. Sujata Kumari Sinha Manoj Singh Resident of Village-Thahara Thakurbari, ANC-Maker, District-Saran
55. Dev Kumari Devi, wife of Ramesh Ram Resident of Village-Jitavarpur, P.O. Barka Baneya ANC-Dariyapur, District-Saran
56. Vijendra Kumar Manjhi, son of Ram Dayal Manjhi Resident of Village-Hasanpura, P.O. B.T. Kohra, District-Saran
57. Sanjay Kumar, son of Punit Lal Prasad Resident of Village-Yadurampur P.O. Mastichak District-Saran
58. Raj Kishor Ray, son of Harbansh Ray Resident of Village-Etava English, P.O. Mastichak, District-Saran
59. Vijay Kumar Ram, son of Bharat Ram Resident of Village-Jagdishpur, P.O. Bashant, District-Saran
60. Bangali Ray, son of Sheopujan Ray Resident of Village-Jagdishpur, P.O. Basant, District-Saran.
61. Nagendra Prasad Yadav, son of Rampravesh Ray Resident of Village-Chhota Takiya, P.O. Khudae Bag, District-Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary Government of Bihar Patna
2. The Commissioner-Cum-Secretary, Department Human Resources Development Government of Bihar
3. The District Magistrate, Distt Saran
4. The Deputy Development Commissioner Distt Saran
5. The Education Officer District Saran
6. The District Magistrate, Distt Siwan
7. The deputy Development Commissioner Distt Siwan
8. The Education Officer District Siwan

... .. Respondent/s

Appearance :

For the Petitioners : Mr. Amresh Kr. Sinha, Advocate
For the Respondents : Mr. Pramod Kumar Singh, AC to SC16)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 28-01-2019

Heard the learned counsel for the petitioners and
the State.



2. The petitioners, who are Lok Shikshaks claim parity with Shiksha Mitra who have been absorbed as Panchayat Teachers.

3. Learned counsel for the petitioners has submitted that the appointment process of Shiksha Mitra and Lok Shikshak are similar but the erstwhile Panchayat Shiksha Mitras have been absorbed as Panchayat Teachers whereas similar privilege has not been given to Lok Shikshaks who have worked for several years for the Government. Be it noted that the policy for appointment of Lok Shikshak has been put in abeyance. Some of the Lok Shikshaks who had served in that capacity under the scheme of the Government had approached this Court for a direction to rehabilitate/absorb them in regular service as has been done with the case of Panchayat Shikshaks. As far back as on 21.03.2012, a Bench of this Court in *Jay Prakash vs. State of Bihar & Ors.* and batch of analogous cases, rejected the contention of the petitioners therein that the cases of Lok Shikshaks and Panchayat Shiksha



Mitra were similar and therefore they ought to be given parity with respect to their rehabilitation/absorption and pay.

4. However considering the fact that the then Chief Executive of the State had doled out a promise that their cases would be looked at and necessary orders shall be passed, the bench only directed the petitioners therein to represent before the Principal Secretary, Human Resources Development, Government of Bihar, who in the light of the scheme of the Government with regard to absorption of Shiksha Mitras as Panchayat Teachers would place the matter before the State Government for necessary order or direction in that regard.

5. Learned counsel for the petitioners has submitted that with respect to similar such question regarding parity in terms of rehabilitation and absorption, a Bench of this Court, though in the case of non-formal instructors and supervisors, ignored the distinction



between the aforesaid two groups for being absorbed after the closure of the scheme.

Some of the Lok Shikshaks had approached for similar relief whose representation was not accepted favourably vide C.W.J.C. No. 1109 of 2017 (Prafful Kumar Mandal & Ors. vs. The State of Bihar). The bench hearing the matter, though agreed on principle that after the judgment of the Apex Court in case of **Secretary State of Karnataka & Ors. Vs. Uma Devi & Ors.** reported in **2006 (2) P.L.J.R. SC 363**, no direction could be issued for their absorption but was of the view that since the petitioners therein who had served as Lok Shikshaks deserved age relaxation for the purposes of consideration of their engagement in Government service, taking into account that they had worked under the scheme of the State Government.

6. Later, again, many persons approached this Court for the similar relief vide C.W.J.C. No. 13677 of 2017 which was disposed of by order dated 19.09.2018,



thereby recording that the cases of the petitioners, if found identical to the cases of the petitioners in C.W.J.C. No. 1109 of 2017 (Prafful Kumar Mandal & Ors. referred to above), same relief be given to them.

The petitioners herein also claim parity with the facts of Prafful Kumar Mandal & Ors. vs. the State of Bihar the order dated 30.11.2017. If on enquiry it is found that their cases are covered by the aforesaid order, needless to state that they would also get the same benefit/relaxation of age.

For facilitating the concerned respondent for passing an order in that regard within a reasonable period, the petitioners are permitted to represent before the concerned authority within a period of four weeks along with a copy of this order and copies of the orders which have been referred in the present order, and their representations shall be disposed off by the concerned respondent within a period of four weeks thereafter.



7. With the aforesaid direction/observation, the
petition is disposed off.

krishna/- **(Ashutosh Kumar, J)**

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.01.2019
Transmission Date	

