

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5897 of 2019

1. Poonam Kumari Wife of Anil Yadav @ Anil Kumar, Resident of Village- Godhela, P.S. and Block- Madhepura, District- Madhepura.
2. Lalit Kumar, S/o Dineshwar Singh, Resident of Village- Godhela, P.S. and Block- Madhepura, District- Madhepura.
3. Sikandar Mandal S/o Bhim Mandal, Resident of Village- Maini Rahi (Tapra Tola), P.S. and Block- Madhepura, District- Madhepura.
4. Rahul Kumar Son of Raja Ram Yadav, Resident of Village- Maroo Aaha, P.S. and Block- Madhepura, District- Madhepura.
5. Lalan Kumar Son of Ramotar Sah, Resident of Village- Narayan Patti, P.S. and Block- Madhepura, District- Madhepura.
6. Gajendra Paswan Son of Faudar Paswan, Resident of Village- Dudhela, P.S. and Block- Madhepura, District- Madhepura.
7. Manoj Kumar, Son of Yogendra Yadav, Resident of Village- Brahi, P.S. and Block- Madhepura, District- Madhepura.
8. Kisto Kumar Son of Late Tetar Yadav, Resident of Village- Manhara (Brahi), P.S. and Block- Madhepura, District- Madhepura.
9. Poonam Kumari Wife of Mithilesh Kumar, Resident of Village - Mohanpura, P.S. and Block- Madhepura, District- Madhepura.
10. Deepak Kumar, Son of Late Gajendra Yadav, Resident of Village- Pararia, P.S. and Block- Madhepura, District- Madhepura.
11. Shoba Devi, Wife of Raja Ram Yadav, Resident of Village- Shakarpura, P.S. and Block- Madhepura, District- Madhepura.
12. Manish Kumar Son of Arvind Prasad Yadav, Resident of Village- Madhav Nagar, P.S. and Block- Bhawanipur, District- Purnea.
13. Sudhir Kumar Son of Suraj Narayan Yadav, resident of Nehal Patti, P.S. and Block- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors Bihar.
2. The Principal Secretary, Department of Human Resources Development, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Qumrul Hoda
For the Respondent/s : Mr.Madhaw Prasad Yadaw (Gp23)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER



3 25-06-2019 The issue raised in the present writ application is covered by the decision of this Court in C.W.J.C. No. 1109 of 2017 which was disposed of vide oral judgment dated 7.12.2017, the present application stands on same foundation of facts and as such the present application is also disposed of in similar 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 as with regard to earlier abolished post of Panchayat Shiksha Mitra and the post of Lok Shiksha will place the matter before the State Government and obtain necessary orders s with regard to extending the same facility of the post of Panchayat Shiksha Mitra to the Lok Shikshak.

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

After the above order, the case of the petitioners was considered by the Principal Secretary, Education Department, Government of Bihar and after detailed discussion, the Principal Secretary, Education Department held out that the Lok Shikshaks are not entitled to absorption as Panchayat Shikshak and as such he rejected the claim of the petitioners and others.

Counsel appearing on behalf of the State submits that the petitioners cannot be granted relief in the nature of direction to the respondents for regularization of their services in view of the judgment of the Apex Court in the case of the Secretary, State of Karnataka and Ors. vs Umadevi



and Others: (2006) 4 SCC 1.

Counsel for the petitioners conceded to the extent that direction for regularization, after the judgment in Umadevi's case is impermissible. However, he submits that since the petitioner have worked under the scheme of the State Government as such they are entitled to consideration of their case for age relaxation considering the fact that they have worked under the scheme of the State Government, there is absolutely no dispute that these petitioners have rendered services in furtherance of the scheme of the State Government for promoting education pursuant to the constitutional amendment and insertion of Article 21A and Right to Children to Free and Compulsory Education Act, 2009. It is admitted position that petitioners are still continuing.

The Court in the aforesaid circumstances deems it fit and proper to direct the respondents to consider relaxing the age in the event the petitioners are otherwise eligible for the appointment as Panchayat Shikshak as one time measure considering the fact that they have worked under the scheme of the State Government.

With the aforesaid observations, the writ petition stands disposed of.”

(Anil Kumar Upadhyay, J)

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