

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6024 of 2019**

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1. Rajeev Ranjan Kumar Jha Son of Shree Baidyanath Jha Resident of Village- Rusulpur, P.S.- Mejorganj, District- Sitamarhi.
2. Rajeev Kumar Singh Son of Shree Laxmi Narayan Singh Resident of Village- Rusulpur, P.S.- Mejorganj, District- Sitamarhi.
3. Sanjay Kumar Son of Udilal Das Resident of Village- Basbitta, P.S.- Mejorganj, District- Sitamarhi.
4. Shiv Shankar Mahto Son of Ram Bharos Mahto Resident of Village- Shri Nagar, P.S.- Mejorganj, District- Sitamarhi.
5. Sunil Kumar Mishra Son of Ram Swarath Mishra Resident of Village- Sijua, P.S.- Mejorganj, District- Sitamarhi.
6. Arun Kumar Son of Majue Lal Ray Resident of Village- Pachaharwa, P.S.- Mejorganj, District- Sitamarhi.
7. Akhilesh Kumar Son of Bindeswar Mahto Resident of Village- Sarwajpur, P.S.- Sonbarsa, District- Sitamarhi.
8. Ajay Kumar Son of Vinod Singh Resident of Village- Sonaul Mahaday, P.S.- Mejorganj, District- Sitamarhi.
9. Devendra Kumar Son of Nandu Ray Resident of Village- Harpur Kalan, P.S.- Mejorganj, District- Sitamarhi.
10. Baban Kumar Singh Son of Baliram Singh Resident of Village- Chainpur, P.S.- Mejorganj, District- Sitamarhi.
11. Shashi Bhushan Ray Son of Upendra Ray Resident of Village- Harpur Kalan, P.S.- Mejorganj, District- Sitamarhi.
12. Ravi Kumar Jha Son of Vijay Kumar Jha Resident of Village- Vishunpur Kamdeo, P.S.- Mejorganj, District- Sitamarhi.
13. Nitesh Paswan alias Nitesh Kumar Paswan Son of Sabjee Paswan Resident of Village- Vishunpur- Kamdeo, P.S.- Mejorganj, District- Sitamarhi.
14. Nathuni Ram Son of Girdhari Ram Resident of Village- Saraula, P.S.- Mejorganj, District- Sitamarhi.
15. Natun Sah Son of Maugal Sah Resident of Village- Saraula, P.S.- Mejorganj, District- Sitamarhi.
16. Prabhat Kumar Raj Son of Ramgulam Das Resident of Village- Bramotra, P.O.- Ratanpura, P.S.- A.P.M. Darbhanga, District- Darbhanga.
17. Sachidanand Yadav Son of Ganga Vishnu Yadav Resident of Village- Bramotra, P.O.- Ratanpura P.S.- A.P.M. Darbhanga, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary Education Department, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.



4. The District Magistrate Sitamarhi, Bihar.
5. The District Magistrate Darbhanga, Bihar.
6. The District Education Officer Sitamarhi, Bihar.
7. The District Education Officer Darbhanga, Bihar.
8. The Block Education Officer Block Mejorganj, District- Sitamarhi, Bihar.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Ravi Prakash Dwivedi  
For the Respondent/s : Mr.Ashutosh Ranjan Pandey (Aag15)

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

3      25-06-2019                      Heard learned counsel for the petitioner and the  
learned counsel appearing on behalf of the State.

Petitioners have filed the present application for a direction to the respondents to consider their case for appointment as regular basis on the line of absorption of Shiksha Mitra who were absorbed as Panchayat Shikshak.

The issue raised in the present application is covered by the decision of this Court in C.W.J.C. No. 1109 of 2012 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 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)**

Ravi/-

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