

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19954 of 2019**

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1. Saroj Kumar Singh, S/o Baban Singh R/o Village- Chamarahiya, Bishunpura Kalan, P.S.- Daudpur, District- Chapra (Saran).
  2. Chandradeep Kumar Yadav, S/o Mandeo Yadav R/o Village- Dumari, P.S.- Manjhi, District- Chapra (Saran).
  3. Suraj Sah S/o Badsah Sah, R/o Village- Chamrahiya Bishunpura Kala, P.S.- Daudpur, District- Chapra (Saran).
  4. Guriya Kumari @ Guriya Devi, D/o Suresh Baitha, W/o Sunil Kumar Baitha R/o Village- Nasira, P.S.- Daudpur, District- Chapra (Saran).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Education Department, Government of Bihar, New Secretariat, Patna.
3. The Director Primary Education Department, Government of Bihar, New Secretariat, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Binod Murari Mishra, Advocate  
For the Respondent/s : Mr.Ashutosh Ranjan Pandey ( AAG-15 )

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

2      26-09-2019                      Heard learned counsel for the petitioner and the State.

The issue raised in the present writ petition is no more res integra. Similar issue was considered by this Court in CWJC No. 1109 of 2017 and vide order dated 30.11.2017, the writ petition was disposed of. The relevant part of the order is quoted below:-

“Earlier the writ petitioners have approached this Court by way of filing CWJC No. 14493



of 2008 and other analogous cases. The writ court disposed of the writ petition on 21.3.2012 with the following observations:

“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 Government as with regard to the earlier abolished post of Panchayat Shiksha Mitra and the post of Lok Shikshak will place the matter before the State Government and obtain necessary orders as with regard to extending the same facility of the post of Panchayat Shiksha Mitra to the Lok Shikshak.

With the aforementioned 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 the 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 petitioner conceded to the extent that direction for regularization, after the judgment in Umadevi's case, is impermissible. However, he submits that since the petitioners 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.”

In view of the above, the present writ petition is disposed of in similar terms.

**(Anil Kumar Upadhyay, J)**

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