

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18249 of 2017

1. Ram Krishna Hans Son of Jogi Mandal, Resident of Village- Bhelwa, P.O.- Aaran, Police Station and District- Saharsa.
2. Shashi Bhushan Kumar, Son of Akles Mukhya, Resident of Village- Sihaul Chakla, Police Station- Bitra, District- Saharsa.
3. Kamal Kishore Pandit, Son of Shobha Kant Pandit, Resident of Village- Dumra, P.O. Lagma, Police Station- Sonwarsha Raj, District- Saharsa.
4. Shiv Kumar Sharma, Son of Baleshwar Sharma, Resident of Village- Thadhi, P.O.- Pastpar, District- Saharsa.
5. Laxman Kumar, Son of Nageshwar Prasad, Resident of Village- Sri Nagar, Police Station- Dhailadh, District- Madhepura.
6. Aasha Kumari, Wife of Jai Pukar Singh, Resident of Village- Bahuarwa, P.O.- Rasteshra, Police Station- Salkhua, District- Saharsa.
7. Pankaj Kumar Panth, Son of Satya Narayan Mandal, Resident of Village- Hanuman Patti, P.O.- Gangapur, Police Station- Murliganj, District- Madhepura.
8. Virendra Kumar 'Vimal', Son of Parmeshwar Yadav, Resident of Village- Ram Bishanpur, Police Station- Margama, District- Araria.
9. Manoj Kumar, Son of Yogendra Prasad, Resident of Village- Wali, Police Station- Dhailadh, District- Madhepura.
10. Subhash Kumar, Son of Pulkeet Prasad, Resident of Village- Dhopa, Police Station- Dhailadh, District- Madhepura.
11. Bijendra Kumar, Son of Chhittan Prasad Yadav, Resident of Village- Matrangha, Police Station- Dhailadh, District- Madhepura.
12. Meera Kumar, D/o Bam Bahadur Yadav, Resident of Village- Sri Nagar, Police Station- Dhailadh, District- Madhepura.
13. Dhirendra Kumar, Son of Sita Ram Mandal, Resident of Village- Laxmipur, Lalchand, Police Station- Bihariganj, District- Madhepura.
14. Mohan Paswan, Son of Birendra Paswan, Resident of Village- Laxmipur, Lalchand, Police Station- Bihariganj, District- Madhepura.
15. Jai Prakash Kumar, Son of Ganesh Yadav, Resident of Village- Chatanma, Police Station- Puraini, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The Bihar Siksha Pariyojna Parishad through its Director, Beltron Bhawan, Shastri Nagar, P.S.- Shas

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Zeyaul Hoda
For the Respondent/s : Mr.Prabhakar Jha -Gp27

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 25-02-2020 Learned counsel for the petitioners is permitted to make necessary correction in the details of petitioner no. 12 during the course of the day.

Heard learned counsel for the parties.

Learned counsel for the petitioners submits that the case of the petitioners is covered by the decision dated 30.11.2017 in CWJC No. 1109 of 2017.

Considering the aforesaid, the respondents are directed to examine the claim of the petitioners in the light of the decisions dated 30.11.2017 in CWJC No. 1109 of 2017. The relevant part of the order is quoted below:-

“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.

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

In order to maintain consistency, the present writ petition is also disposed of in similar terms.

(Anil Kumar Upadhyay, J)

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