

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5751 of 2020

1. Krishna Kumari @ Krishna Kumari Gupta Wife of Chhathu Prasad @ Chattu Prasad Sah, Resident of Village-Bathnaha Purvi, P.S.-Bathnaha, District-Sitamarhi.
2. Baski Nath Jha Son of Ram Lala Jha Resident of Village-Pauram, P.S.-Hayaghat, District-Darbhanga.
3. Lalan Kumar Jaiswal Son of Misri Lal Jaiswal, Resident of Village-Azokopa, P.S.-Rupauli, District-Purnea.
4. Birendra Kumar Mahto Son of Shiv Narayan Mahto, Resident of Village-Brahmasthan, P.O.-Sahra, P.S.-K.Nagar, District-Purnea.
5. Rina Kumari Son of Ashok Kumar, Resident of Village-Inday, P.O. and P.S.-Shekhpura, District-Shekhpura.
6. Sanjay Kumar Singh Son of -Shambhu Singh Resident of Village-Bhagwatpur Bhaluatiya, P.S.-Shikarganj, District-West Champaran.
7. Ramdeo Sah Son of Khomari Sah Resident of Village-Pirauncha, P.S.-Ghayghat, District-Muzaffarpur.
8. Satyendra Kumar Sharma Son of Raghunath Prasad Resident of Village and P.O.-Mirpur, P.S.-Chiraiya, District-East Champaran.
9. Ram Naresh Kumar Yadav Son of Roop Narain Rai Resident of Village-Madhopur, P.S.-Turkauliya, District-East Champaran.
10. Amit Kumar Shrivastava, Son of Bijli Prasad Shrivastava, Resident of Village and P.O.-Bhishambharapur, P.S.-Kalyanpur, District-East Champaran.
11. Surendra Mohan Ram Son of Kannu Ram Resident of Village-Ghosnama, P.S.-Hayaghat, District-Darbhanga.
12. Bhola Yadav Son of Sidheshwar Yadav Resident of Village-Daad Patti, P.S.-Ghan Shyampur, District-Darbhanga.
13. Rajendra Paswan Son of Prem Lal Paswan Resident of Village-Daad Patti, P.S.-Ghan Shyampur, District-Darbhanga.
14. Durgesh Narain Choudhary Son of Pratap Narain Choudhary, Resident of Village-Daad Patti, P.S.-Ghan Shyampur, District-Darbhanga.
15. Suman Kant Mishra Son of Shiva Kant Mishra, Resident of Village-Daad Patti, P.S.-Ghan Shyampur, District-Darbhanga.
16. Ram Bhajan Mandal Son of Ram Khelavan Mandal Resident of Village-Dhoof Narain, P.S.-Baheri, District-Darbhanga.
17. Ranjana Kumari Wife of Ashok Kumar Resident of Village-Chandrawari Road, P.S.-Nagar (Muzaffarpur), District-Muzaffarpur.
18. Shobha Devi Son of Dharmendra Choudhary Resident of Village-Hayaghat Purvi Bilaspur, P.O. and P.S.-Hayaghat, District-Darbhanga.
19. Sujit Kumar Jaiswal Son of Ram Charittar Choudhary, Resident of Village-Hayaghat Purvi Bilaspur, P.O. and P.S.-Gayaghat, District-Darbhanga.
20. Harendra Prasad Son of Nawab Rai Resident of Village and P.O.-Dhanauji,



P.S.-Pakri Dayal, District-East Champaran.

21. Umesh Kumar Son of -Ram Chandra Sah Resident of Village and P.O. Barka Gaun, P.S.-Pakri Dayal, District-East Champaran.
22. Babita Kumari Daughter of Bhageshwar Mishra, Resident of Village and P.O.-Rampur Khajuriya, P.S.-Dam Diyaghat, District-East Champaran.
23. Sunil KUMar Mishra Son of Ram uday Mishra, Resident of Village and P.O.Rampur Khajuriya, P.S.-Dumariyaghat, District-East Champaran.
24. Bindeshwari Rai Sono f Tugal Rai Resident of Village and P.O.Barkagaon, P.S.-Pakri Dayal, District-East Champaran.
25. Subhash Kumar Mishra Son of Ram Uday Mishra Resident of Village and P.O.-Rampur Khajuriya, P.S.-Dumareiyaghat District-East Champaran.
26. Tanuja KUMari Daughter of -Vijay Singh Resident of Village -rathiya Ray Tola, P.S.-Areraj, District-East Champaran.
27. Rakesh Mishra Sono f Bhageshwar Mishra Resident of Village and P.O.Rampur Khajuriya, P.S.-Dumariyaghat, District-East Champaran.
28. Alka KUMari Daughter of -Chandeshwar Prasad Resident of Village-Nawada, P.S.-Pakri Dayal, District-East Champaran.
29. Pramod Kumar Son of Ramakant Singh Resident of Village and P.O.-Barkagoan, P.S.-Pakri Dayal District-East Champaran.
30. Rajiv Ranjan Son of Late Upendra Nath Singh Resident of Village- ama Chhautauni, P.S.-Muffasil, District-East Champaran.
31. Lokesh Kumar Son of Late Upendra Nath Singh Resident of Village-Ama Chhautauni, P.S.-Muffasil, District-East Champaran.
32. Ved Prakash Tiwaeri Son of Birendratiwari, Resident of Village-Izra, P.O.-P.S.-Sangrampur, District-East Champaran.
33. Shreekant Tiwari Son of Janardan Tiwari, Resident of Village-Janerwa, P.O.-Areraj, P.S.-Govindganj, District-East Champaran.
34. Kiran KUMar Pandey Wife of Rajesh KUMar Mishra, Resident of Village-Bariyariya, P.S.-Sangrampur, District-East Champaran.
35. Pramila KUMari Daughter of Gadun Tiwari, Wife of Manoj Tiwari, Resident of Village-Chhotta Bariyarpur, P.S.-Town (Motihari), District-East Champran.
36. Ajeet Kumar Singh Son of Dhrub Narain Singh Resident of Village-Narkatia, P.S.-Darpa, District-East Champaran.
37. Manoj Kumar Sharma Son of Shankar Sharma Resident of Village-Khajuhatta Turki, P.S.-Dariapur, District-Saran.
38. Rakesh Ranjan Son of Kali Bagh, Resident of Village -Narkatia, P.S.-Bettiah Town, District-East Champaran.
39. Tanuja Wife of Rakesh Ranjan Resident of Village-Kali Bagh, P.S.-Town Bettiah, District-East Champaran.
40. Ramesh Kumar Son of Bishnudeo Sah, Resident of Village -Govind Nagar, P.S.-Chattauni, District-East Champaran.
41. Alok Kumar Son of Ramanand Shrivastava, Resident of Village-Gamdham



Colony No.03, Lotahan Motihari, P.S.-Town, District-East Champaran.

42. Raj Kumar Sharma Son of Shankar Sharma Resident of Village-Khajuhatta Turki, P.S.-Dariapur, District-Saran.
43. Rajesh Kumar Son of Deo Shankar Kumar Resident of Village-Mahumda, P.S.-Patahi, District-East Champaran.
44. Ashok Kumar Son of Deo Shankar Kumar, Resident of Village-Mahumda, P.S.-Patahi, District-East Champaran.
45. Hari Shankar Prasad Son of Kumar Kant Sah Resident of Village -Govind Nagar, P.S.-Chattauni, District-East Champaran.
46. Punam Kaushik, Wife of Diwakar Kaushik, Resident of Village and P.O.-Mahumawa, P.S.-Chiraiya, District-East Champaran.
47. Manoj Kumar Wife of Rajendra Rai Resident of Village and P.O.Raghopur, P.S.-Chiraiya, District-East Champaran.
48. Radhesh Kumar Son of -Kamal Prasad Resident of Village -Nimahi Ward No.-1, P.S.-Sheohar, District-Sheohar.
49. Kameshwar Prasad Singh Son of-Brahmdeo Singh Resident of Village-Bela, P.O.-Mirpur P.S.-Chiraiya, District-East Champaran.
50. Amrendra Kumar Son of -Bindeshwari Prasad Resident of Village-P.O.-Chainpur, P.S.-Chainpur, District-East Champaran.
51. Kameshwar Singh Son of -Diwakar Kaushik, Resident of Village and P.O.-Madhubani, P.S.-Chiraiya, District-East Champaran.
52. Binod Prasad Son of-Ram Ayodhya Prasad Resident of Village -Balua, P.S.-Chiraiya, District-East Champaran.
53. Braj Bihari Prasad Son of -Raghunath Sah Resident of Village-Bikrampur, P.S.-Dhaka, District-East Champaran.
54. Prasun Chandra Pandey Wife of -Ashok Kumar Pandey Resident of Village and P.O.-Mahumawaha, P.S.-Chiraiya, District-East Champaran.
55. Vijay Kumar Mishra Son of Ram Kumar Mishra Resident of Village and P.O.-Mahumawa, P.S.-Chiraiya, District-East Champaran.
56. Lakshmikant Pandey Son of Madan Kishor Pandey, Resident of Village and P.O.-Mahumawa, P.S.-Chiraiya, District-East Champaran.
57. Sujeet Prasad Kushwaha, Son of -Lakhindra Prasad Resident of Village Hasanpur Balua, P.S.-Chainpur, District-East Champaran.
58. Hari Narayan Prasad Kushwarha Son of -Indar deo Prasad Resident of Village -Teen Kothi, Ward No.-11, P.S.-Chauradano, District-East Champaran.
59. Ravi Ranjan Son of Devendra Prasad Resident of Mohalla-Chandmari, P.S.-Town (Motihari), District-East Champaran.
60. Kumari Hema Wife of Ravi Ranjan Resident of Mohalla-Chandmari, P.S.-Town (motihari), District-East Champaran.
61. Kumari Madhu Sinha Ramjee Singh Resident of Village Khatolwa, P.O.-Hajipur, P.S.-Kalyanpur, District-East Champaran.
62. Akshay Kumar Tyagi Son of -Madan Prasad Singh Resident of Village



Khatolwa, P.O.-Hajipur, P.S.-Kalyanpur, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Governemnt of Bihar, Patna.
3. The Principal Secretary, Department of Pe Personnel and Administrative Reforms, Government of Bihar, Patna.
4. The Director, Mass Education, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Prabhakar Jha (GP 7)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 16-12-2021

Heard learned counsels for respective parties.

In the instant petition, petitioner has prayed for the following reliefs:-

“(a) For issuance of any appropriate Writ/s rules or direction especially in nature of mandamus, directing the respondents authority to absorb the petitioners on the post of Class-III to Class-IV the under the employment of State Govt. as the petitioners are ex- instructors or non-formal education including the other several grounds as respondents authorities have already absorbed the non formal education supervisors on Class-III post in the light of order passed by this Hon'ble court.

(b) For issuance of any appropriate writ/s, rule or directions especially in the nature of mandamus, directing the respondents to give



similar treat as the case of other several similar situated has been considered by this Hon'ble court as well as by the Hon'ble Apex Court.

(c) For issuance of any appropriate writ/s, rule or directions as this Hon'ble court may found fit and proper to the facts and circumstances of the case as well as for which these petitioners may be found entitled thereto."

Undisputedly, petitioners have not approached the competent authority in seeking for regularization against one of the post pursuant to their service particulars.

Learned counsel for the petitioners pointed out Annexure-A5 that in identical matter, this Court has given a direction.

Perusal of the papers, it is evident that petitioners' grievance is for writ of mandamus under Article 226 of the Constitution. For the purpose of issuance of writ of mandamus two ingredients are necessary, namely, vested right and demand before the competent authority. Both the ingredients are not forthcoming in the present petition. If this Court has given direction on that account petitioners seeking writ of mandamus unless there is a demand before the competent authority the petitioners have not made out a case.



Accordingly, writ petition stands dismissed reserving liberty to the petitioners to approach the concerned respondent in seek regularization with reference to their service or read with Co-ordinate Bench decision dated 03.03.2017 rendered in CWJC No. 384 of 2017 if the petitioners fulfill the requisite conditions stipulated in the decision of the Hon’ble Apex Court in the case of **Secy., State of Karnataka and Others vs. Uma Devi** reported in **(2006) 4 SCC 1** read with the Full Bench decision of this Court in the case of **Ram Sevak Yadav and Anr. vs. The State of Bihar and Ors.** reported in **2013(1) PLJR 964**. Their cases shall be considered at the earliest.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

