

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6517 of 2020

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1. Rajnana Kumari @ Ranjana Devi, wife of Ajay Kumar, R/o village-Tikuliya, P.O.- Bishanpur Sundar, P.S.- Kumarkhand, Dist- Madhepura.
 2. Mamta Kumari, Wife of Arvind Kumar, R/o village- Ramani, P.O.- Gangapur, P.S.- Murliganj, Dist- Madhepura.
 3. Arbind Kumar @ Surendra Kumar, S/o Saburdatt Yadav, R/o village- At and P.O.- Tamout Parsa, P.S.- Murliganj, Dist- Madhepura.

... .. 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 Secretary, General Administration, Govt. of Bihar, Patna.
4. The Director, Mass Education, Govt. of Bihar, Patna.
5. The District Education Officer, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Advocate
For the Respondent/s : Mr. Kameshwar Kumar (GP-17)

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

Date : 17-12-2021

Heard learned counsel for the parties.

2. In the instant writ petition, the petitioners have prayed
for the following reliefs:

i. The respondents may kindly be directed to ensure selection / absorption of the petitioner's i.e. Ex-non-formal education Instructors on priority basis who were having advance age/ experience/ qualification etc. in comparison to others in view of clause (ka)(chha) of the Govt. Memo no.945 dated 27.4.2017 and other judicial pronouncements/Executive instructors.

ii. The Respondents also may kindly be directed to remove those candidates who were having



lessor age, qualification and experience in comparison to the other candidates like the petitioner who were / are more deserving having preferential right in comparison to others the said wrong or illegality should not be allowed to perpetuate at the hands of model employer regulated under rule of law.

iii. The respondents further any kindly be directed to ensure strict observance of the reservation roster and other required formalities while making selection in question on making correction while removing / deleting the name of underserving / less deserving candidates) from selection or select list.

iv. while extending the said relief / exercise the respondents also may kindly be directed to make available the entire list of the candidates so selected (bearing reason for said selection / non selection etc) as a demand of fairness and reasonableness to ensure substantial justice.

v. The alternatively the respondents may kindly be directed to disposed of the present matter in view of the order dated-22.8.2019 passed in CWJC No. 8216/2018 and analogous cases reported in 2020(2) PLJR.

vi. Any other relief on relief also may kindly be directed extended to the petitioners for which the petitioners be found entitle in the opinion of this Hon'ble Court.”

3. The grievance of the petitioners is relating to absorption with reference to the fact that the petitioners were appointed as Instructor on ad-hoc basis.



4. The concerned respondent is hereby directed to take a decision on the petitioners' grievance with reference to service particulars read with the particular scheme for the purpose of absorption or in the light of Apex Court decision in the case of **Secretary, State of Karnataka vs. Uma Devi**, reported in **(2006) 4 SCC 1** read with Full Bench decision of this Court in the case of **Ram Sevak Yadav Vs The State of Bihar & Ors**, reported in **2013 (1) PLJR 964**.

5. In this regard speaking order shall be passed and communicate to the petitioners relating to entitlement within a period of three months from the date of receipt of copy of this order.

6. The writ petition stands disposed of.

(P. B. Bajanthri, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.12.2021
Transmission Date	NA

