

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5888 of 2020

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1. Sunita Devi @ Sunita Kumari, W/o Shyamlal Mandal, resident of village - Majgaon, P.O.- Gayari, P.S. + District- Araria.
 2. Sujit Kumar Verma, S/o Jitendra Prasad, resident of village G.N. Mukherjee Road, near Doon Public School, Bhikhanpur, Gumati No. 1, Jagdishpur, P.O. - Badi Post Office, Bhagalpur, P.S.- Ishaquechak, District- Bhagalpur.
 3. Purushottam Tiwari, S/o Shri Ram Tiwari, resident of village - Dhankund, P.O.- Makaita, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through its Commissioner - cum- Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
4. The Director, Mass Education, Education Department, Government of Bihar, Patna.
5. The District Education Officer, Araria.
6. The District Education Officer, Bhagalpur.
7. The District Education Officer, Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Smt. Shilpa Singh, GA-12

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

Date : 13-12-2021

None appears for the petitioners.

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

“a. For issuance of any appropriate writ/s especially in the nature of mandamus commanding and directing the respondents concerned to observed the petitioners on the post of Class-III and Class-IV under the respondents state as the petitioner are ex-instructor of non formal educations on several grounds including that the state grounds including that the State



Government has decided to absorb the non-formal education supervisor on Class-III post.

b. For issuance of any appropriate writ/s, rule or directions as Your Lordships may deem fit and proper to the facts and circumstances of the case as well as for which the petitioners may be found entitled thereto.”

3. The petitioners’ claim is relating to absorption in any one of the post of Class-III or Class-IV with reference to the fact that petitioners were stated to be the holders of the post of Ex-instructors of Non-formal Education.

4. In these facts and circumstances, the concerned respondent is hereby directed to pass speaking order as to whether the petitioners are entitled for absorption in the light of the Constitution Bench decision of the Apex Court in the case of **Secretary, State of Karnataka vs. Uma Devi** reported in **(2006) 4 SCC 1** read with SLP No. 32079 of 2015.

5. Such speaking order shall be passed and communicated to each of the petitioners within a period of four months from the date of receipt of copy of this order.

6. The writ petition stands disposed of.

(P. B. Bajanthri, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.12.2021
Transmission Date	NA

