

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5600 of 2020

=====

Guneshwar Prasad Singh son of Ganesh Prasad Singh Resident of Village-
Khaira, P.S.- Rajoun, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner cum Secretary, Human Resources Development Department, State of Bihar, Patna.
2. The Commissioner cum Secretary, Human Resources Development Department, State of Bihar, Patna.
3. The Director, Mass Education, State of Bihar, Patna.
4. The Principal Secretary, Department of Personnel and Administrative Reforms, State of Bihar, Patna.
5. The District Mass Education Officer, Banka.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh, Advocate

For the Respondent/s : Mr.Madanjeet Kumar (GP 20)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 08-12-2021

Heard learned counsel for the parties.

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

“(i) For issuance of writ of Mandamus commanding the respondent and authorizes to absorb the service of the petitioner who is the Ex Instructor of Adult and Non formal Education cum Special Education, on the post of Class III, IV in regular Government Service as per his qualification and eligibility after relaxing the age bar if the age of petitioner has became average.

(ii) For issuance of writ of Mandamus commanding the respondents authorities to apply the same policy decision for absorption of the service of the instructor of Non Formal



Education similar to the other Instructors and supervisor of Non Formal Education.

(iii) For issuance of writ of Mandamus commanding the respondents authorities not to be make any discrimination and distinction between the service of other Instructor and because both were under the same scheme of the Government known as Adult and Non Formal Education.

(iv) For issuance of observation similar to the order passed in CWJC No. 8418 of 2010 and LPA No. 1489 of 2011 allowing the writ petition directing the respondent authorities to consider the claim of the petitioner regarding absorption.

(v) For issuance of other appropriate writ or order or direction which may deem fit and proper in the facts and circumstances of this case for the ends of justice.”

The petitioners were stated to have been appointed on adhoc basis and they are entitled for regularization.

The concerned respondent has not taken any decision on the petitioner’s grievance, therefore, the concerned respondent is hereby directed to take a decision on the petitioner’s grievance relating to regularization in the light of judgement in the case of ***Secy., State of Karnataka and Others vs. Uma Devi*** reported in ***(2006) 4 SCC page 1*** read with the full bench decision of this Court in the case of ***Ram Sevak Yadav and Another vs. The State of Bihar and Others in C.W.J.C. Nos. 267 and 472*** reported in ***2013 (1) PLJR 964.***

The above exercise shall be completed within a period of three months from the date of receipt of this order in passing a speaking order. If the petitioners are entitled for regularization,



necessary order shall be passed and communicated to the respective petitioner.

With the above observation, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.12.2021
Transmission Date	NA

