

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5907 of 2020

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1. Soni Kumari @ Soni Jha @ Soni Devi D/O - Tej Nayaran Jha, W/O- Narendra Jha, Resident of village - Muraita, P.S.- Jale, District- Darbhanga.
 2. Iftar Alam @ Iftekhhar Alam, S/O- Aziz Alam, Resident of village - Lougua, P.S.- Abadpur, District, Katihar.
 3. Rahima Khatoon @ Rohima Khatun, W/O- Iftekhhar Alam @ Iftekhhar Alam, Resident of village - Lougua, P.S.- Abadpur, District- Katihar.
 4. Md. Maskhoor Ahmad, S/O- Md. Raisuddin, Resident of village - Shikarpur, P.O.- Mahinagar, P.S.- Balia, District- Katihar.
 5. Md. Tahzeeb Alam, S/O- Abdul Lalif, Resident of village - Madhepur, P.S.- Balrampur, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief- Secretary, Education Department, Government of Bihar, Patna.
2. The Principal- Secretary, Education Department, Government of Bihar, Patna, Bihar.
3. The Director, Mass Education, Education Department, Government of Bihar, Patna.
4. The District Magistrate, Katihar.
5. The District Magistrate, Darbhanga.
6. The District Education Officer, Darbhanga.
7. The District Education Officer, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Advocate
For the Respondent/s : Mr. Shankar Kr. Thakur, AC to GP-27

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 13-12-2021

Heard the learned counsels for the parties.

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

“a. For issuance of any
appropriate writ/writs, rule or direction



especially in the nature of mandamus, directing the respondents authority to absorb the petitioners on the post of Class-III to Class-IV under the Employment of State Government 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 approach writ/writs, rule or direction especially in the nature of mandamus directing the respondents to give treat as the case of other several similar situated has been considered by this Hon'ble Court as well as by the Hon'ble Court.

c. For issuance of any appropriate writ/writs, 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.”

3. Question for consideration in the present petition is whether petitioners are entitled to be absorbed on the post of Class-III or Class-IV under the employment of the State Government with reference to the fact that the petitioners are said to be ex-instructors of non-formal education.



4. The concerned respondent is hereby directed to pass speaking order as to whether petitioners are entitled to be absorbed on the post of Class-III or Class-IV, in the light of Apex Court's decision in case of *Secy., State of Karnataka V. Uma Devi reported in (2006)4 SCC page 1* passed in *CWJC No. 16 of 2021* read with full bench decision in case of *Ram Sevak Yadav & Another Vs. The State of Bihar & Others* reported in *2013(1) PLJR 964* passed in *CWJC No. 267 & 472 of 2010* within a period of three months from the date of receipt of this order.

5. With the above observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.12.2021
Transmission Date	

