

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6661 of 2020

1. Badri Narayan Prasad Son of Late Baidyanath Prasad resident of Village- Gobindpur, P.s.- Areraj, District- East Champaran
2. Nageshwar Prasad Yadav Son of Ganesh Rai resident of Village- Mathiyariya, P.s.- Harsidhi, District- East Champaran
3. Sumitra Kumari D/o Kapildeo Pandey resident of Village- Panchbhirwa, P.s.- Areraj, District- East Champaran
4. Nalin Kumar Pandey son of Hari Narayan Pandey resident of Village- Sangrampura, P.s.- Areraj, District- East Champaran
5. Santosh Kumar Pandey son of late Sachidanand Pandey resident of Village- Bishunpur Tara, P.s.- Madhuban, District- East Champaran
6. Raj Kumar Rai son of Banarsi Rai resident of Village- Maripur, P.s.- Madhuban, District- East Champaran
7. Rajendra Prasad son of Shankar Prasad Sah resident of Village- Gobri, P.s.- Turkauliya, District- East Champaran
8. Bashishth Ram son of Late Bhikhan Ram resident of Village- Janerwa, P.s.- Areraj, District- East Champaran
9. Lalan Prasad son of Harihar Prasad resident of Village- Phulwaria, P.s.- Turkauliya, District- East Champaran
10. Laxman Prasad son of Mangal Prasad resident of Village- Mathlohiyar, P.s.- Harsidhi, District- East Champaran
11. Jhboolal Prasad Rai son of Johan Prasad Rai resident of Village- Brit Gamhariya, P.s.- Tirkauliya, District- East Champaran
12. Neyaz Ahmad Khan son of Qumrul Hassan Khan resident of Village- Paithanpatti, P.s.- Harsidhi, District- East Champaran
13. Ram Nath Ram son of Late Joothi Ram resident of Village- Kritpur English, P.s.- Harsidhi, District- East Champaran
14. Bhagwati Kumar Shukla son of Ashwini Kumar Shukla resident of Village- Maurakha, P.s.- Areraj, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary Department of Human Resources Development, Government of Bihar, Patna
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna
4. The District Magistrate, East Champaran at Motihari

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate



For the Respondent/s : Mr. Ashutosh Ranjan Pandey (Aag15)

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

Date : 20-12-2021

Heard learned counsels for the respective parties.

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

“For issuance of an appropriate writ preferably in the nature of certiorari setting aside the order as containing in Memo No. 2358 dated 04.10.2019 issued by the Respondent Director, Mass Education, Bihar, Patna, whereby and where-under the claim of the petitioners for absorption on the ground of Ex-Non Formal Supervisor, has illegally been rejected with a further direction to the Respondents to absorb the petitioners under the service of Respondent-State in view of judicial directions and policy decision of the Respondent-State. And/or any other relief or reliefs for which the petitioners are found to be entitled in the facts and circumstances of this case.”

Short question for consideration is whether petitioners are entitled to be absorbed in post or not?

The petitioner's claim has been rejected on 04.10.2019 (Annexure '7'). Perusal of the aforesaid order, it is crystal clear that there is no consideration of full bench decision of this Court read with the Apex Court decision in the case of *Secy., State of Karnatka Vs. 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 of this Court.

Therefore, the concerned authority is hereby directed to take note of the aforesaid decisions of this Court and Apex Court and proceed to pass speaking order as to whether petitioner is entitled to absorption with reference to the conditions imposed in the aforesaid judicial pronouncements or not?

Such decision shall be taken within a period of three months from the date of receipt of this order.

Accordingly, annexure-7 dated 04.10.2019 stands set aside.

(P. B. Bajanthri, J)

Gaurav Kumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

