

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1347 of 2022

1. Purnawasee Ram Son of Chhathu Ram, Resident of Village - Biseni Kala, Police Station - Rajpur, District - Rohtas.
2. Prakash Kumar Singh, Son of Arun Kumar Singh, Resident of Village - Akodhi, Police Station - Akodhigola, District - Rohtas.
3. Dhanesh Ram, Son of Hiranman Ram, Resident of Village - Karkatpur, Police Station - Akodhigola, District - Rohtas.
4. Brijbhar Kumar, Son of Ramsundar Paswan, Resident of Village - Mahuaari, Police Station - Akodhigola, District - Rohtas.
5. Chandmuni Devi, Wife of Ranjan Kumar, Resident of Village - Gamharia, Police Station - Akodhigola, District - Rohtas.
6. Sunita Kumari, Daughter of Devmuni Paswan, Resident of Village - Pakariya, Police Station - Akodhigola, District - Rohtas.
7. Basmati Devi, Wife of Shri Ravi Paswan, Resident of Village - Chandi, Police Station - Akodhigola, District - Rohtas.
8. Niraj Pandey, Son of Shri Shyam Sundar Pandey, Resident of Village - Bank, Police Station - Akodhigola, District - Rohtas.
9. Satish Chandra Pandey, Son of Shri Baidyanath Pandey, Resident of Village - Yadwan, Police Station - Akodhigola, District - Rohtas.
10. Manju Devi, Wife of Shri Chandan Paswan, Resident of Village - Chanp, Police Station - Akodhigola, District - Rohtas.
11. Roushan Jahan, Daughter of Abrar Ansari, Resident of Village - Akashi, Police Station - Agrer, District - Rohtas.
12. Subhash Singh, Son of Ramchela Singh, Resident of Village - Badui, Police Station - Darigaon, District - Rohtas.
13. Nandlal Sharma, Son of Shivnath Sharma, Resident of Village - Shivpur Chitouli, Police Station - Sasaram, District - Rohtas.
14. Surendra Kumar Singh, Son of Ramraj Singh, Resident of Village - Turki, Police Station - Agrer, District - Rohtas.
15. Kankalata Kumari @ Kankalata @ Kumari Kankalata, Wife of Satish Kumar Singh, Resident of Village - Nyay, Police Station - Agrer, District - Rohtas.
16. Anju Kumari @ Anju Devi, Daughter of Ram Pravesh Paswan, Resident of Village - Gamharia, Police Station - Agrer, District - Rohtas.
17. Anil Kumar, Daughter of Jagdish Prasad Sah, Resident of Village - Kushdihra, Police Station - Tilauthu, District - Rohtas.
18. Baban Choudhary, Son of Shri Ramchandra Choudhary, Resident of Village - Maharajganj, Police Station - Tilauthu, District - Rohtas.
19. Nandkeshwar Singh, Son of Shri Belash Singh @ Ram Bilash Singh, Resident of Village - Babhan Talab, Police Station - Rohtas Gadh, District - Rohtas.
20. Pinki Kumari, Wife of Bhishm Patel, Resident of Village - Karvandiya,



Police Station - Sasaram, District - Rohtas.

21. Sunidhi Kumari, Wife of Dharmendra Singh, Resident of Village - Bishunpur, Police Station - Baghaila, District - Rohtas.
22. Binod Kumar Singh, Son of Ramlagan Singh, Resident of Village - Shambhu Bigha, Police Station - Dihri, District - Rohtas.
23. Rita Devi, Wife of Mahendra Singh, Resident of Village - Babuganj, Police Station - Tilouthu, District - Rohtas.
24. Manju Kumari, Wife of Santosh Ram, Resident of Village - Chatni Bigha, Police Station - Tilouthu, District - Rohtas.
25. Raghuvendra Kumar Gupta, Son of Shiv Shankar Sah, Resident of Village - Madaini, Police Station - Shiv Sagar, District - Rohtas.
26. Barita Kumari, Wife of Upendra Kumar Choudhary, Resident of Village - Ropahtha, Police Station - Amjhor, District - Rohtas.
27. Sangita Kumari, Wife of Ranjeet Kumar Nirala, Resident of Village - Badihan, Police Station - Tilouthu, District - Rohtas.
28. Nilam Kumari, Wife of Ravindra Kumar Singh, Resident of Village - Bhagwan Bigha, Police Station - Amjhor, District - Rohtas.
29. Sangita Kumari, Wife of Sunil Kumar, Resident of Village - Dewadihi, Police Station - Chenari, District - Rohtas.
30. Usha Singh, Daughter of Ajay Singh, Resident of Village - Hurka, Police Station - Tilouthu, District - Rohtas.
31. Shashi Choudhary, Son of Balmuni Choudhary, Resident of Village - Tilouthu, Police Station - Tilouthu, District - Rohtas.
32. Krishna Bihari Dubey, Son of Late Tilak Dubey, Resident of Village - Chandrakaithi, Police Station - Chenari, District - Rohtas.
33. Usha Devi, Wife of Manoj Dubey, Resident of Village - Ganeshpur, Police Station - Chenari, District - Rohtas.

... .. Petitioner/s

Versus

1. The Union of India through Joint Secretary - Cum - Director - in - Chief National Literacy Mission Authority, Human Resources Development Department, School Education and Literacy Department, Shastri Bhawan, New Delhi.
2. The Joint Secretary - Cum - Director - in - Chief, National Literacy Mission Authority, Human Resources Development Department, School Education and Literacy Department, Shastri Bhawan, New Delhi.
3. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
4. The Principal Secretary, Education Department, Government of Bihar, Patna.
5. The Director, Mass Education, Education Department, Government of Bihar, Patna.
6. The Joint Director, Mass Education, Education Department, Government of Bihar, Patna.



7. The Director (Administration), Education Department, Government of Bihar, Patna.
8. The Deputy Director (Administration), Education Department, Government of Bihar, Patna.
9. The District Education Officer, Rohtas.
10. The District Programme Officer, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Diwakar Yadav, Advocate
For the Union of India	:	Mr Ratnesh Kumar, CGC
For the State of Bihar	:	Ms Binita Singh, SC XVIII

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 04-11-2022

Heard learned counsel for the petitioners and the respondents through Virtual Mode.

2 This writ petition has been filed for the following reliefs:

“(i) For issuance of an appropriate writ/order/direction to quash the letter bearing Memo No 2497 dated 09.10.2018 issued under the signature of Director Mass Education, Department of Education, Government of Bihar, Patna so far it relates to the petitioners by which all Chairmans of Zila Parishads, all Pramukhs of the Blocks and all Mukhiyas of the Gram Panchayats of Districts has been communicated with regard to the closure of Bharat Literacy Programme and termination of the employees working on contract basis in the said scheme on the ground that the Government of India has not extended the period of the Scheme after 31st March 2018, hence, the service of the employees on contract basis became terminated suo motu.



(ii) For issuance of an appropriate writ/order/direction that the Scheme was implemented in pursuance of the Sakshar Bharat Scheme in 2012 by the Government of India but till date no letter for closure of the Scheme has been issued by the Government, therefore, the Scheme cannot be said to be closed suo motu.

(iii) For issuance of an appropriate writ/order/direction to frame Scheme/Rule for regularization of the petitioners against regular establishment as the petitioners have consumed their golden period of life for more than six years working on contract basis under Scheme and non-regularization of the petitioners will cause dark future of the petitioners.

(iv) For issuance of an appropriate writ/order/direction granting any other relief or reliefs for which the petitioners are found entitled under the law.”

3 Learned State Counsel submits that he has received instructions in the matter and a counter affidavit, which has been prepared, shall be filed in the Court today. It is his submission that as per instructions and averments made in the counter affidavit, there is no dispute that the petitioners' case is covered by decision of this Court in the case of *Murari Prasad Gupta & Others -Versus- Union of India & Others*, passed in *CWJC No 364 of 2019*, which is Annexure 11/1 of the instant writ proceedings.

4 Learned counsel for the Union of India is also not disputing this fact.



5 In view of common stand of the parties, this Court, having gone through the decision in CWJC No 364 of 2019 (supra), finds that the same has been disposed of in terms of Paragraphs 10 and 11 of order dated 04.07.2019 passed in the case of *Vijay Kumar Das & Others -Versus- State of Bihar & Others* by this Court in *CWJC No 12530 of 2019*.

6 Since it is not disputed that the petitioners are entitled to, at best the same observations made by this Court in Paragraphs 10 and 11 of order dated 04.07.2019 passed in CWJC No 12530 of 2019 (supra), it is being reproduced, which reads as follows:

“10. All that this Court can direct is that in case such a scheme is reintroduced by extending its terms or launching another scheme of similar nature, the State Government in its Education Department shall consider the candidature of the petitioners because of the experience that they have gained in imparting adult education and removing the illiteracy from the State of Bihar. In that event, it would be open for the petitioners to appear before the concerned authorities and request them to give the petitioners weightage for their experience that they have gained and perhaps relaxation of the age requirement if fixed under the scheme.

11. However, for the period that the petitioners have worked during the subsistence of the scheme, they are required to be paid for the same. Since some of the petitioners have not been paid their honorarium from September 2016, this Court directs such petitioners who have not been paid their honorarium to make a representation before the Director, Mass Education, Education Department, Government



of Bihar, Patna (Respondent No 5), who would ensure prompt payment of the honorarium for the period that the petitioners have worked.”

7 This Court, in view of common stand of the parties, disposes of the writ petition in terms of Paragraphs 10 and 11 of the order dated 04.07.2019 passed in CWJC No 12530 of 2019 (supra), noted above.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.12.2022
Transmission Date	NA

