

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4408 of 2021

1. Rewati Ranjan @ Ravti Ranjan, Son of Madho Prasad Singh, Resident of Village-Hazba, Post-Chandpur, P.S. Jagdishpur, District Bhagalpur.
2. Ranjan Kumar, Son of Mohan Sah, Resident of Village-Bhawanipur Ward No. 05, Bhawanipur Desri, P.S. Jagdishpur, District Bhagalpur.
3. Anita Kumari @ Anita Devi, Wife of Jay Prakash Sah, Resident of Village-Harba, Post-Chandpur, P.S. Jagdishpur, District Bhagalpur.
4. Ruby Kumari @ Ruby Devi, Wife of Ashutosh Mandal, Resident of Village-Sardho, Post-Bishanpur Jicho, P.S. Sabour, District Bhagalpur.
5. Ajay Bharti, Son of Dashrath Mandal, Resident of Village-Kali Mandir Nayachak Makhna, P.O.-Jamgaon Baluachak, P.S. Jagdishpur, District Bhagalpur.
6. Anandi Prasad Singh, Son of Singeshwar Mandal, Resident of Village-Angari, P.O.-Puraini, P.S. Jagdishpur, District Bhagalpur.
7. Nilu Kumari, Wife of Binay Kumar Sah, Resident of Village-Bhawanipur, P.S. Jagdishpur, District Bhagalpur.
8. Achhe Kumar, Son of Pawan Mandal, Resident of Village-Ward No. 1, Lagma, P.O. Lagma, Tetiya Bamber, P.S. Tetiya Bamber, District-Munger.
9. Rajesh Kumar, Arjun Prasad Yadav, Resident of Village-Baluachak, P.O.-Baluachak (Puraini), P.S. Jagdishpur, District Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Director, Mass Education, Government of Bihar, Patna.
5. The District Magistrate, Bhagalpur.
6. District Mass Education Officer, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Chandrasekhar Sharma
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

Date : 01-02-2022



2. The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

3. State counsel accepts notice for respondents.

4. In the instant petition, petitioners have prayed for the following relief/reliefs:

“(i) For issuance of any appropriate writ or writs specially in the nature of mandamus commanding and directing the respondents concerned to absorbed the petitioners on the post of Class-III and Class-IV under the respondents State of Bihar as the petitioner’s are the Ex-Instructor of Non Formal Education on several grounds including that the State government decided to absorb the non formal Education Supervisor on Class-III post.

(ii) To direct the respondent to treat the petitioners similar to other situated persons against whose favour orders have been passed by this Hon’ble Court in different writ petition and in the contempt petition and not treat the petitioners as different from those persons.

(iii) This Hon’ble Court be further pleased to disposed of the present writ application in terms of order passed in C.W.J.C. No. 384/2017 disposed of on 3.3.2017 as the present case is stand on similar footing.

(iv) For issuance of any appropriate writ, 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.”

5. Grievance of the petitioners is for absorption. There is no representation before the authority. In the absence of legal and vested right followed by demand before the competent authority, question of issuance of writ of mandamus is not permissible in the



light of Apex Court decision in the case of *Mani Subrat Jain V. State of Haryana* reported in *(1977) 1 SCC 486*.

6. Accordingly, the present petition is disposed off, reserving liberty to the petitioners to submit a detailed representation along with judicial pronouncement, if any. If such representation is submitted, the competent authority is hereby directed to decide the petitioners’ representation within a reasonable period of time.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

