

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4960 of 2021**

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1. Anil Kumar Tiwari Son of Shir Narendra Tiwari, Resident of Mohalla - ward no 10, Nagar Panchayat Chakiya, P.O. and P.S. - Chakiya, District - East Champaran.
2. Narendra Kumar Dwivedi, Son of Late Nandkishore Dwivedi, Resident of Village - Chakiya, P.O. and P.S. - Bara Chakiya, District - East Champaran.
3. Ramesh Paswan, Son of Manak Paswan, resident of Village - Mungraha, P.O. Rampur, P.S. - Chiraiya, District - East Champaran.
4. Shailendra Kumar, Son of Subidev Paswan, Resident of Village - Mungraha, P.O. Rampur, P.S. - Chiraiya, District - East Champaran.
5. Shatrudhan Kumar, Son of Phudena Sah, Resident of Mohalla - Lakadi Dhai Chandwara Near Bihar Flouring, P.O. - G.P.O., P.S. - Town Thana, District - Muzaffarpur.
6. Shobhakant Hazara, Son of Satyanarayan Hazara, Resident of Mohalla - Birla Tola P.O. Mahirolliya, P.S. - Chiraiya, District - East Champaran.
7. Jitendra Mahto, Son of Shri Yogendra Mahto, Resident of Village - Pakadi Dayal, P.O. - Pakadi Dayal, District - East Champaran.
8. Rajesh Kumar Tiwari, Son of Shiv Shankar Tiwari, Resident of Village - Pakadi Dayal, P.O. - Pakadi Dayal, District - East Champaran.
9. Brajesh Kumar Tiwari, Son of Shiv Shankar Tiwari, Resident of Village - Pakadi Dayal, P.O. - Pakadi Dayal, District - East Champaran.
10. Arun Tiwari, Son of Shankar Tiwari, Resident of Village - Bara Bishunpur, P.S. Rajepur, District - East Champaran.
11. Ram Binod Tiwari, Son of Rajdev Tiwari, Resident of village - Parena Babhantoli, P.S. Shikarganj, District - East Champaran.
12. Nilam Kumari, Wife of Vijay Kumar Tiwari, Resident of Village - Hewarwala, P.S. - Pakadi Dayal, District - East Champaran.
13. Shyam Kumar, Son of Ram Ekbal Prasad, Resident of Village - Berwa, Post - Chandanbara, P.S. Dhaka, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Commissioner-Cum-Secretary, Education Department, Government of Bihar Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
4. The Director, Mass Education, Education Department, Government of Bihar, Patna.
5. The District Education Officer, East Champaran.
6. The District Education Officer, Muzaffarpur.



... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar  
For the Respondent/s : Mr. Kameshwar Kumar, GP 17

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**

**ORAL JUDGMENT**

**Date : 02-02-2022**

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

2. State counsel accepts notice for the respondents.

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

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

“(a) For issuance of any appropriate writ/s especially in the nature of mandamus commanding and directing the respondents concerned to observed the petitioners on the post of Class-III and Class-IV under the respondents state as the petitioner are ex-instructor of non-formal educations on several grounds including that the state grounds including that the State Government has decided to absorb the non-formal education supervisor on Class-III Post.

(b) For issuance of any appropriate writ/s, 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. In the present petition, petitioners have sought for the issuance of writ of Mandamus. They have not made out a case for



the reasons that they have not established legal/statutory right followed by demand before the competent authority.

6. In the light of Apex Court decision in the case of *Mani Subrat Jain V. State of Haryana* reported in *(1977) 1 SCC 486*, the present petition is not maintainable, however, in the interest of litigants petitioners are at liberty to approach the concerned respondent in submitting a detailed representation along with judicial pronouncements, if any within a period of eight weeks from the date of receipt of this order. The concerned respondent is hereby directed to decide it within a period of four months from the date of receipt of such representation.

6. With the above observations, writ petitions stands disposed off.

**(P. B. Bajanthri, J)**

GAURAV S./-

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