

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6664 of 2021

1. Lakshman Paswan Son of Rajendra Paswan, resident of Village Madanchak, Police Station- Saksohra, District - Nalanda.
2. Ramchandra Ravidas, Son of Ram Khelawan Revidas, resident of Village - Sundarbiga, Police Station Noorsarai, District - Nalanda.
3. Jang Bahadur Paswan, Son of Raghu Paswan, resident of Village - Takiya Kalan, Police Station- Deepnagar, District - Nalanda.
4. Mahesh Ravidas, Son of Shiv Nandan Ravidas, resident of Village- Rupaspur, Police Station- Chandi, District - Nalanda.
5. Yogender Paswan, Son of Ram Baran Paswan, resident of Village - Haidarpur, Police Station- Telhara, District - Nalanda.
6. Brij Bhushan Chaudhary, Son of Kameshwar Chaudhary resident of Village - Chandi, Police Station Chandi District - Nalanda.
7. Arbind Kumar, Son of Late Basant Das, resident of Village Lakhichak Police Station- Noorsarai, District - Nalanda.
8. Mohan Paswan, Son of Ganga Paswan, resident of Village - Jafarpur, Police Station- Chandi, District - Nalanda.
9. Rajkumar Prasad, Son of Kailash Tanti, resident of Village - Muzaffarpur, Police Station- Noorsarai, District - Nalanda.
10. Tej Narayan Ganesh, Son of Mohram Lal Ganesh resident of Village - Kathalbari, Police Station Dighal Bank, District - Kishanganj.
11. Braj Mohan Singh, Son of Jivan Lal Singh, resident at Baisa Jurail Police Station- Bahadurganj, District - Kishanganj.
12. Maheshwar Prasad, Son of Faltu Prasad, resident at Mohalla, ward No. - 1 Patharghatti, Police Station- Kodhobari, District - Kishanganj.
13. Aokil Kumar, Son of Bharat Singh, resident of Village - Konag, Police Station- Konag, District - Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary Bihar, Patna.
2. The Principal Secretary, Department of Human Resources Development Department, Bihar, Patna.
3. The Principal Secretary, Department of Personal and Administrative Reforms, Bihar, Patna.
4. The Commissioner-cum-Secretary, Education Department, Government of Bihar, Patna.
5. The Director, Mass Education Government of Bihar, Patna.
6. The Joint Director (Sashya), Munger Division, Munger.
7. The Joint Commissioner (Sashya), Patna Division, Patna.
8. The District Education Officer Nalanda.



9. The District Education Officer, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 08-02-2022

This matters heard via video conferencing due to
circumstances prevailing on account of COVID-19 Pandemic.

2. State counsel accepts notice for respondents.

3.State counsel accepts notice for respondents.

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

(i) For issuance of an appropriate
order/orders/direction/directions/writ in the nature
of Mandamus directing and commanding to the
respondents concerned to absorb the petitioners on
the post of class IV under the Respondents as the
petitioners are Ex-Instructors of adult and non-
formal Education on several grounds including that
State government has decided to absorb non formal
educational instructors on class IV post and
therefore, the petitioners should be observed on
class IV post with all consequential benefits for the
ends of justice.

(ii) And further be pleased to grant then
relief/reliefs as the petitioners are entitled for.

5. For issuance of writ of mandamus, the petitioners



have to satisfy this Court that they have legal/statutory vested right followed by demand before the competent authority. Both the ingredients are not forthcoming from the pleadings, therefore, the present petition stands dismissed in the light of Apex Court decision in the case of *Mani Subrat Jain V. State of Haryana & Ors.*, reported in *(1977) 1 SCC 486*, reserving liberty to the petitioners to approach the concerned respondent in submitting a detailed representation along with judicial pronouncement, if any. If such representation is submitted, the competent authority is hereby directed to examine the petitioners' grievance and redress the same at the earliest.

(P. B. Bajanthri, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.2.2022
Transmission Date	NA

