

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7304 of 2021

1. Shivdatt Sah Son of Late Badri Sah Resident of Village- Mahathawa Bazar, P.S.- Bhargama, District- Araria.
2. Awanikant Upadhyay Son of Late Jagdamba Upadhyay Resident of Village- Liludih, P.O. and P.S.- Chakai, District- Jamui.
3. Rajkumar Sah Son of Sri Raghubir Sah Resident of Village- Mahathawa Bazar, P.S.- Bhargama, District- Araria.
4. Shiv Kumar Paswan Son of Sri Baleshwar Paswan Resident of Village- Dhobdi, P.O.- Bara, P.S.- Ben, District- Nalanda.
5. Ganga Prasad Thakur Son of Sri Ganesh Lal Thakur Resident of Village- Kochgarh, P.O.- Doghariya, P.S.- Kochadhaman, District- Kishanganj.
6. Ashok Kumar Ray Son of Sri Maheshwar Prasad Ray Resident of Village- Mahesha Patthar, P.O. and P.S.- Chakai, District- Jamui.
7. Kishore Kumar Singh Son of Sri Kartik Prasad Singh Resident of Village- Haribhasha, P.O.- Rupni, P.S.- Bahadurganj, District- Kishanganj.
8. Shanti Kumari Wife of Sri Shyamnandan Suman Resident of Village and P.O.- Shankarpur, P.S. Bhargama, District- Araria.
9. Md. Kamrul Haque Son of Md. Daud Ali Resident of Village- Birnagar, Hakim Toal, P.O.- Birnagar, P.S.- Bhargama, District- Araria.
10. Arvind Kumar Sharma Son of late Ishwar Prasad Sharma Resident of Village- Kailu Tol, P.O.- Ladugarh, Sukhsena, P.S.- Barara Kothi, District- Purnea.
11. Raj Kumar Singh Son of Sri Chaitulal Singh Resident of Village- Babhan Toli, P.O.- Padampur, P.S.- Dighal Bank, District- Kishanganj.
12. Md. Sazeer Son of Late Ahmad Ali Resident of Village- Belsandi, P.O.- Gokhlapur, P.S.- Narpatganj, District- Araria.
13. Pushp Lal Singh Son of Laddu Lal Singh Resident of Village- Doriya, P.S.- Dhantola, P.S.- Dighal Bank, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary Department of Education, Government of Bihar, Patna.
2. The Principal Secretary Department of Education, Government of Bihar, Patna.
3. The Director Mass Education, Government of Bihar, Patna.
4. The Divisional Commissioner Munger Division, Munger.
5. The Agriculture Director Department of Agriculture, Bihar, Patna.
6. The Joint Director (Shasya) Munger Division, Munger.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Respondent/s : Mr. Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 10-02-2022

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

2. State counsel accepts notice for respondents.

3. Counsel for the petitioners is hereby directed to serve copy of the writ petition to the counsel for the State/respondents, if not already served.

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

“That the petitioners pray for issuance of appropriate order/orders, direction/directions, writ/writs, preferably in the nature of Mandamus, commanding and directing the Respondents concerned to issue appointment letters appointing the petitioners on any suitable class-IV posts in the light of letter dated 18.01.2019 issued by the Director, Mass Education, Bihar, Patna vide Memo No. 128 providing list of petitioners for their absorptions/appointment on vacant class-IV posts to the Respondent No. 6 but till date petitioner’s could not be appointed rather the Respondents authorities are making correspondence to each other in this regard. And/or any other writ/writs, order/orders , direction/directions for granting any other relief or reliefs for which the petitioners are found entitled to, in the facts and circumstances.”

5. Short question for consideration is whether petitioners are entitled to be absorbed in any of the Class IV post or not? In this regard the petitioners are stated to have submitted



representation *vide* Annexure 3 series dated 20th August, 2020. State policy relating to regularization, judicial pronouncements like *Secy., State of Karnataka and Others vs. Uma Devi reported in (2006) 4 SCC page 1* read with full bench decision of this Court in the case of *Ram Sevak Yadav and Another vs. The State of Bihar and Others in C.W.J.C. Nos. 267 and 472* reported in **2013 (1) PLJR 964** is required to be taken note off.

6. The competent authority is hereby directed to examine the petitioners' service particulars read with the aforesaid judicial pronouncements and proceed to pass a speaking order as to whether petitioners are entitled to be regularized against one of Class IV post or not? If they are entitled, necessary order shall be passed. If they are not entitled, speaking order shall be passed under what circumstances they are not entitle for absorption and communicated to the petitioner. The above exercise shall be completed within a period of four months.

7. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

