

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7810 of 2021

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KAMTA SINGH son of Kulvansh Singh, resident of vilage- Dhansa, Police Station- Rohtas, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Principal Secretary, Department of Personnel and Administrative Reforms, Bihar, Patna.
4. The Director, Mass Education, Bihar, Patna.
5. The District Mass Education Officer, Rohtas at Sasaram.
6. The District Education Officer, Rohtas at Sasaram.
7. The District Programme Officer, Bihar Education Project, Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Tiwary
For the Respondent/s	:	Mr. Lalit Kishore (Ag)
	:	Mr. Girijish Kumar, Advocate

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

Date : 11-02-2022

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

2. State counsel accepts notice for respondent Nos. 1 to 7.

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



4. In the instant petition, petitioner has prayed for the following relief/reliefs:

“That the present writ application has been filed for a direction upon the Respondent concerned to considered the claim of the petitioner for absorption against Class-IV post in view of order passed by this Hon’ble Court in C.W.J.C. No. 8418 of 2010 (Sheo Bhajan Prasad Diwakar and Others Vs. The State of Bihar and Others) disposed off vide order dated 21.04.2011 under which those non-formal instructor who have continuously work for three years and due to winding up of the scheme day should observed as class IV post likewise non-formal supervisor they has been observed Class – III post as well as in view of Division order passed in L.P.A. No. 1489 of 2011 disposed off vide order dated 11.08.2015 as well as order passed by Hon’ble Apex Court in S.L.P. No. 32079 of 2015 disposed off vide order dated 26.02.2016 as petitioner has also engaged as non-formal instructor in year 1996 and worked till 1999. Any other order/orders direction/directions, writ/writs which may be petitioner entitled to.”

5. The aforesaid relief is supported by representation *vide* Annexure 5 and so also he has relied on decision dated 21.04.2011 passed in C.W.J.C. No. 8418 of 2010 read with order dated 11.08.2015 passed in L.P.A. No. 1489 of 2011 and order dated 26.02.2016 passed in S.L.P. No. 32079 of 2015.

6. In the light of above facts and circumstances, the competent authority/respondent is hereby directed to examine petitioner’s representation at Annexure 5 within a period of three



months from the date of receipt of this order. If the petitioner is entitled, in that event, necessary order shall be passed. In the event of the fact that petitioner is not entitled, necessary speaking order shall be passed as to why the petitioner is not entitled to the claim made by him in the representation read with the relief sought in the present petition. The above exercise shall be completed within a period of three months.

7. With the above observations, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

