

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18557 of 2014

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1. Rajesh Kumar Gupta S/o Sri Hari Shankar Prasad, resident of Village+ P.O.-Khartri, P.S-Chiraiya, District- East Champaran
 2. Kundan Kumar s/o Nawal Kishore Prasad vill +P.O.-Khashi Pakri, P.S.- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Commissioner-cum Secretary, Education Department, Govt. of Bihar, Patna.
2. The Commissioner-cum-Secretary, Education Department, Government of Bihar, Patna
3. The Director, Mass Education, Government of Bihar, Patna

... .. Respondents

Appearance :

For the Petitioners : Mr. Sanjay Kumar, Adv.
For the State : Mr. Gyan Shankar, AC to GP-2

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-12-2022 Heard learned counsel for the petitioners and learned counsel for the State.

2. The petitioners' claim is for absorption on a class-III post in recognition of their period spent working in the adult and non formal education Scheme as Instructors, earlier.

3. At the very outset, petitioners' counsels submits that the Division Bench of this Court, in identical facts and circumstances, has passed an order dated 22.11.2022 in ***CWJC No. 15991 of 2014 (Raja Ram Mehta and others vs. The State of Bihar and others)***, which reads as follows:-

“Heard learned counsel for the parties.



Petitioners have prayed for the following relief(s):-

“(i) For issuance of any appropriate writ or writs especially in the nature of mandamus commanding and directing the respondents concerned to observed the petitioners on the post of Class-III under the respondents state as the petitioners are ex-instructor of adult and non formal educations on several grounds including that the state grounds including that the state government has decided to absorb the non formal educational supervisor on Class-IIIrd post.

(ii) For issuance of any appropriate writ or writs, 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.”

Learned counsel for the petitioners states that the present petition may be disposed of in terms of order dated 14.9.2016 passed in CWJC No. 1101 of 2016 titled as Suresh Roy & Ors. Vs. The State of Bihar & Ors.

The said order is extracted as under:

“Writ application is disposed off with an observation that the direction issued by the Learned Single Judge and a Division Bench, affirmed by the Hon’ble Supreme Court in SLA (C) No. 32079 of 2015 with regard to Non formal Instructors, shall govern the case of these petitioners as well, provided it comes within the ambit of the said decisions.

Writ application stands disposed off in terms of above.”

In view of the facts that the matter stands settled by the Hon’ble Apex Court, we direct the petition to be disposed of in terms of the aforesaid order.

Interlocutory application(s), if any, shall also stand disposed of.”

4. The learned State counsel submits that the petitioners, if at all entitled to absorption, the same would be based on the



seniority of their claim based on parameters which have already been settled by the Authority.

5. In view thereof, this Court would record that the writ petition of the petitioners is disposed of in the same terms as CWJC No. 15991 of 2014, as noted above.

(Madhuresh Prasad, J)

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