

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9461 of 2021

1. Bishnu Kant Mandal son of Ramchandra Mandal resident of village - Narayanpur, P.O. - Lakshmipur, P.S. - Laukaha, District- Madhubani.
2. Sanjay Kumar Karn son of Madan Lal Das resident of village - Basopatti, P.S. Basopatti, District- Madhubani.
3. Raju Kumar Ray son of Nand Kishore Ray resident of village P.O. - Saurath, P.S. - Rahika, District- Madhubani.
4. Avinash Kumar Jha son of Nityanand Jha resident of village P.O. - Salempur, P.S. - Pandaul, District- Madhubani.
5. Santosh Kumar Das son of Dev Narayan Das resident of village P.O. - Shambhuar Via- Pandaul, P.S. - Madhubani, District- Madhubani.
6. Bauaji Paswan son of Chulhai Paswan resident of village and P.O. - Saurath, P.S. - Rahika, District- Madhubani.
7. Shekhar Kumar son of Surendra Prasad Singh resident of village P.O. - Narar West Via - Jaynagar, P.S. - Kaluahi, District- Madhubani.
8. Raju Kumar Karn son of Mahendra Lal Das resident of village - Kamlabari, P.O. - Lohat, P.S. - Pandaul, District- Madhubani.
9. Vivekanand Jha son of Kailash Jha resident of village and P.O. - Nagdah, P.S. Arer, District- Madhubani.
10. Surendra Kumar Suman son of Ram Bhajan Yadav resident of village and P.O. - Madhiya, P.S. - Basopatti, District- Madhubani.
11. Fakir Kumar Mandal son of Soman Mandal resident of village and P.O. - Nakti, P.S. - Rajnagar, District- Madhubani.
12. Sudhir Kumar Singh son of Ram Bahadur Singh resident of village and P.O. - Narar West, P.S. - Kaluahi, District- Madhubani.
13. Ajeet Kumar Sharan son of Krishna Ballabh Sharan resident of village - Suratganj, Ward No. 17, P.S. - Madhubani, District- Madhubani.
14. Kumari Rajlakshmi wife of Bramhanand Jha resident of village P.O. - Behat North, P.S. - Lakhnaur, District- Madhubani.
15. Sachin Kumar son of Late Swaraj Jha resident of village - Madar, P.O. - Jitwarpur, P.S. - Rahika, District- Madhubani.
16. Narendra Kumar son of Rampriya Pandey resident of village and P.O. - Ghorbanki, P.S. - Basopatti, District- Madhubani.
17. Baiju Prasad Singh son of Yogendra Prasad Singh resident of village - Juskipatti, P.O. - Gehunma Beriya, P.S. - Phulparas, District- Madhubani.
18. Manish Kumar Sah son of Vijay Sah resident of village - Adhvari, P.O. - Tyotha Via- Khirhar, P.S. - Benipatti, District- Madhubani.
19. Ajeet Kumar Mandal son of Late Anand Mandal resident of village - Darhar, P.O. Laheriasarai, P.S. - Bahadurpur, District- Darbhanga.
20. Ram Pukar Mahto son of Raman Mahto resident of village - Akaha, P.O. - Saharghat, P.S. - Madhwapur, District- Madhubani.



21. Jai Prakash Yadav son of Ram Swarth Yadav resident of village P.O. - Khajuri, P.S. and District- Madhubani.
22. Jai Prakash Yadav son of late Jitan Yadav resident of village and P.O. - Mangrauni, P.S. - Rajnagar, District- Madhubani.
23. Prashant Kumar Verma son of Vinod Verma resident of village - Khajuri, P.S. - Khajuri, P.S. - Madhubani, District- Madhubani.
24. Rakesh Kumar son of Yogendra Sah resident of village - Parsa, P.O. - Rampatti, P.S. - Rajnagar, District- Madhubani.
25. Gopal Kumar son of Mano Mahto resident of village - Bakarganj, P.O. and P.S. laheriasarai, District- Darbhanga.
26. Gulam Rabbani son of Jahir Alam Malmali resident of village and P.O. - Malmal, P.S. Kaluahi, District- Madhubani.
27. Sushant Kumar Verma son of Vinod Kumar Verma resident of village and P.O. - Khajuri, P.S. - Madhubani, District- Madhubani.
28. Sanjay Kumar Choudhary son of Shilendra Choudhary resident of village - Chakdah, P.O. - Madhubani, P.S. Rajnagar, District- Madhubani.
29. Vikash Kumar son of Late Udit Narayan Choudhary resident of village - Chakdah, P.O. - Madhubani, P.S. Rajnagar, District- Madhubani.
30. Madan Kumar Mandal son of Khursun Mandal resident of village - Lohapipar, P.S. Babubarhi, District- Madhubani.
31. Ashish Kumar Das son of Ram Balak Das resident of village - Chitragupta Colony, Ward No. 20, P.S. - Madhubani, District- Madhubani.
32. Ram Udgar Ram son of Charitra Ram resident of village and P.O. - Bathnaha Via- Khutauna, P.S. - Phulparas, District- Madhubani.
33. Rakesh Kumar Paswan son of Ram Prasad paswan resident of village and P.O. - Bathne, P.S. - Pandaul, District- Madhubani.
34. Prem Prakash Paswan son of Om Prakash Paswan resident of village - Jainagar, Ward No. 03, P.S. - Jainagar, District- Madhubani.
35. Shyam Kumar Rajak son of Ram Narayan Rajak resident of Mohallah- Imambari, P.O. - Laheriasarai, P.S. - Laheriasarai, District- Madhubani.
36. Ashok Kumar Sada son of Panch Lal Sada resident of village - Bhala Baingra, P.O. - Jiraul, P.S. - Khirhar, District- Madhubani.
37. Kailash Ram son of Kapileshwar Ram resident of village - Gadiyani Chowk, Ward No. 11, P.S. - Madhubani, District- Madhubani.
38. Narendra Jha son of Umadhar Jha resident of village and P.O. - Sidhapakala via- Jainagar, P.S. - Ladaniya, District- Madhubani.
39. Purna Chandra Rajan son of Ashok Kumar Thakur resident of village - Bhouara, Ward No. 26, P.S. - Madhubani, District- Madhubani.
40. Ajay Kumar Datt son of Rudra Narayan Lal Karn resident of village and P.O. - Sidhpakala, P.S. - Ladaniya, District- Madhubani.
41. Md. Mazhar Khan son of Md. Israfil Khan resident of village - Ratanpura, P.O. and P.S. - Ashok Paper Mill, District- Darbhanga.
42. Awdes Thakur son of Ram Narayan Thakur resident of village - Parsa, P.O.



- Rampatti, P.S. - Rajnagar, Distict- Madhubani.
- 43. Bankar Choupal son of Ramchandra Choupal resident of village - Laxmipur Pachadhi, P.S. - Raiyam, District- Darbhanga.
- 44. Lalit Kumar Pandit son of Mahendra Pandit resident of village - Kolhua, P.O. - Sonpatahi, P.S. - Babubarhi, District- Madhubani.
- 45. Jaymant Kumar Choudhary son of Narmdeshwar Choudhary resident of village - Baruara, P.O.- Kushauthar, P.S. - Bahadurpur, District- Darbhanga.
- 46. Vikash Kumar Mallick son of Awadh Narayan Mallick resident of village - Naharnia, P.O. and P.S. - Harlakhi, District- Madhubani.
- 47. Ranjeet Kumar Singh son of Devendra Kumar Singh resident of village - Belha, P.O. - Gehunma Bairiya, P.S. - Phulparas, District- Madhubani.
- 48. Ramit Kumar son of Upendra Mallick resident of village - Kanhauli Mallick Tol, P.O. and P.S. - Khajauli, District- Madhubani.
- 49. Vivek Kumar son of Ashok Prasad Sah resident of village - Singrahi, P.O. and P.S. Laukahi, District- Madhubani.
- 50. Sanjeet Kumar son of Ramlochan Yadav resident of village - Olipur, P.O. Imadpatti, P.S. - Bhairavsthan, District- Madhubani.
- 51. Navin Kumar Ray son of Siyasharan Ray resident of village - Ghoghardiha, P.O. - Ganauli, P.S. - Andhrathadhi, District- Madhubani.
- 52. Subodh Kumar Ram son of Bhutan Ram resident of village - and P.O. - Bela Via- Babubarhi, P.S. - Babubarhi, District- Madhubani.
- 53. Ram Prakash Paswan son of Om Prakash Paswan resident of village - Jaynagar, Ward No. 03, P.O. - Jaynagar, District- Madhubani.
- 54. Deepak Kumar Safi son of Ramchandra Safi resident of village - Murhaddi (B.T.), P.O. and P.S. - Babubarhi, District- Madhubani.
- 55. Sanjeev Kumar son of Mushar Paswan resident of village - Mahua, P.O. and P.S. Saharghat, District- Madhubani.
- 56. Hareram Kumar Mahtha son of Vishwanath Mahtha resident of village and P.O. and P.S. - Benipatti, District- Madhubani.
- 57. Devendra Prasad Yadav son of Yadubir Yadav resident of village - Kamlaroad, Jaynagar Nagar Panchayat, P.O. - Jaynagar, Ward No. 05, District- Madhubani.
- 58. Shekhar Kumar son of Rambabu Prasad resident of village - Kishori Lal Chowk, Ward No. 10, P.O. and P.S. - Madhubani, District- Madhubani.
- 59. Pradip Kumr Ray son of Late Raghunandan Ray resident of village - Gandhrain, P.O. - Barsam, P.S. - Rudrapur, District- Madhubani.
- 60. Allah Rakhe son of Motiur Rahman resident of village - Belahi, P.O. - B. Belahi, P.S. - Kaluahi, District- Madhubani.
- 61. Md. Vakil son of Md. Ilahi, resident of village and P.O. - Daiyakharwar, P.S. - Lakhanur, District- Madhubani.
- 62. Manisha Kumari wife of Vijay Prasad Sah resident of village - Mahanthi Lal Chowk, Ward No. 16, P.S. Madhubani, District- Madhubani.
- 63. Vibha Kumari wife of Bharat Prasad Gupta resident of village - Brahmapura,



- P.O. - Ghoghardiha, P.S. - Phulparas, District- Madhubani.
64. Phul Kumar Singh son of Dukhi Singh resident of village - Mahua, P.O. - Mahua Ekdara, P.S. - Rajnagar, District- Madhubani.
 65. Rahul Kumar Jha son of Ashok Kumar Jha resident of village - Mahinathpur, P.O. - Rampastti, P.S. - Rajnagar, District- Madhubani.
 66. Amarjeet Kumar Jha son of Bhagwat Jha resident of village and P.O. - Nanpur, P.S. - Nanpur, District- Sitamarhi.
 67. Vikash Kumar Singh son of Ratan Prasad Singh resident of village - Belha, P.O. - Gehua Bairiya, P.S. - Phulparas, District- Madhubani.
 68. Ajay Kumar Pandey son of Awadh Kishore Pandey resident of village - Rajegram, P.S. - Pandaul, District- Madhubani.
 69. Manoj Kumar son of Ram Gulam Ram resident of village - Behta, P.O. and P.S. Benipatti, District- Madhubani.
 70. Saket Kumar Singh son of Lakshmi Narayan Singh resident of village and P.O. - Narar, P.S. - Kaluahi, District- Madhubani.
 71. Manish Kumar Singh son of Yugal Kishore Singh resident of village - Nagwas, P.S. - Arer, District- Madhubani.
 72. Jitendra Kumar Jha son of Parmeshwar Jha resident of village and P.O. - Mahtha, P.S. - Ladaniyan, District- Madhubani.
 73. Dipendra Kumar Karn son of Ram Krishna Lal Das resident of village and P.O. and P.S. - Babubarhi, District- Madhubani.
 74. Bharti Kumari wife of Jagdish Singh resident of village and P.O. - Nagwas, P.S. - Arer, District- Madhubani.
 75. Madhu Kumari wife of Kushe Gupta resident of village - Water Wage Chowk Jaynagar, P.S. - Jaynagar, District- Madhubani.
 76. Shivani Kumari wife of Ram Kumar Matho resident of village P.O. - Basopatti, P.S. - Basopatti, District- Madhubani.
 77. Prakash Kumar Choudhary son of Mahendra Choudhary resident of village and P.O. and P.S. - Khajauli, District- Madhubani.
 78. Sanjay Kumar son of Vishnu Dev Ray resident of village and P.O. - Narar Goth, P.S. - Kaluahi, District- Madhubani.
 79. Gauri Shankar Mahto son of Ram Bharosh Mahto resident of village - Rambag, P.S. - Madhepur, District- Madhubani.
 80. Parshuram Singh son of Bindeshwar Singh resident of village - Balanser, P.O. Sonpatahi, P.S. - Babubarhi, District- Madhubani.
 81. Ravi Shankar Mandal son of Shiv Shankar Mandal resident of village - Mangrauni, P.S. - Rajnagar, District- Madhubani.
 82. Rajeev Kumar Mishra son of Daya Shankar Mishra, resident of village - Bhithi, P.O. - Shabhuar, P.S. - Shambhuar, P.S. and District- Madhubani.
 83. Hareram Kumar Singh son of Phuldeo Singh resident of village and P.O. - Bathnaha, P.S.- Phulparas, District- Madhubani.
 84. Ramesh Kumar son of Lakshmi Ram resident of village - Bathnaha, P.S. Phulparas, District- Madhubani.



85. Santosh Kumar Paswan son of Ram Prasad Paswan resident of village - Hanuman Nagar, P.S. - Khutauna, District- Madhubani.
86. Sujeet Kumar son of Raghuni Ram resident of village - Mauahi Babubarhi, P.S. - Babubarhi, District- Madhubani.
87. Alok Ram son of Achhelal Ram resident of village and P.O. - Mahinathpur, P.S. - Basopatti, District- Madhubani.
88. Dileep Ram son of Raghuni Ram resident of village - Mauahi Babubarhi, P.S. - Babubarhi, District- Madhubani.
89. Rakesh Kumar Ram son of Jilebi Ram resident of village - Kalapatti Barhi, P.O. - Kalapatti, P.s. - Phulparas, District- Madhubani.
90. Ajeet Kumar Ram son of Dani Ram, resident of village - Navtoli, P.O. - Nagwas, P.S. - Arer, District- Madhubani.
91. Satyajeet Kumar Thakur son of Bachhanji Thakur, resident of village - Kaitila, P.O. - Shambhuar, P.S. and District- Madhubani.
92. Jitendra Kumar son of Ganga Nath Mishra resident of village - Tilak Chowk, Madhubani, P.S. - Madhubani, District- Madhubani.
93. Ashish Kumar son of Late Radha Mohan Lal resident of Mohalla - Yarpur Gardanibagh, P.S. - Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of Bihar-cum- Mission Director, Bihar Prashashni Sudhar Mission Society (B.P.S.M.), Patna.
4. The Additional Mission Director, Bihar Prashashni Sudhar Mission Society (B.P.S.M.), Patna.
5. The District Magistrate, Madhubani.
6. The District Magistrate, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mukul
For the Respondent/s : Mr.

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

Date : 18-02-2022

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



pandemic.

2. State counsel accept notice for respondents.

3. Learned counsel for the petitioners is hereby directed to furnish copy of the petition to the State counsel, if it is not already served.

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

“1. That the petitioners above-named craves for indulgence of this Hon’ble Court by way of issuance of any appropriate order/orders, direction/directions or writ/writs, preferably in the nature of Mandamus, commanding and directing the Respondents concerned to regularize/absorb the services of the petitioners on the post of newly created permanent post of Data Entry Operator Grade-C and Grade- A/Executive Assistant or any of its equivalent post under the Department of Revenue and Land Reforms, Government of Bihar as per their eligibility, since all the petitioners are working as Executive Assistant under the Department after being selected and appointed in respective District by Bihar Prashashnik Sudhar Mission Society (B.P.S.M. in short) at District level and have been posted under the Right to Public Service (R.T.P.S.) in different Blocks, Anchals, Sub-divisions etc. in the year 2011 in lieu of General Administration Department Notification contained in Memo No.1353



dated 3.05.2011 and have subsequently been granted all benefits of Government Notification dated 18.09.2018 as well as the letter No.436 dated 20.02.2019 issued from the level of B.P.S.M., but in a very illegal, arbitrary and torturous manner a Notification has been issued from the level of Respondent Department creating a equivalent permanent post with new nomenclature of Data Entry Operator Grade-C and A under different offices for the work of R.T.P.S., P.G.R.O, Land Records and Mutation works etc. which the petitioners are executing for almost ten years, but now by issuing a fresh notification attempt is being taken to remove the petitioners from the service in name of permanent appointment, whereas all the petitioners possess the requisite qualification for such posts and they should be given opportunity of regularization/absorption as one time measure following the rule of equity, otherwise all the petitioners along with their family shall be forced to starve since now almost all of them have reached to advanced age. And/or any other relief or reliefs for which the petitioners are found entitled to in the facts and circumstances of this case.”

5. Aforesaid relief is not supported by legal/ vested right followed by demand before the competent authority. Accordingly, the present petition is not maintainable in the light of Apex Court’s decision rendered in the case of *Mani Subrat Jain V. State of Haryana & Ors.* reported in *A.I.R. 1977 SC*



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6. Accordingly, the present petition stands disposed of reserving liberty to the petitioners to submit detailed representation along with service particulars and judicial pronouncements, if any before the competent authority. If such representation is submitted within a period of eight weeks from the date of receipt of this order, the concerned respondent is hereby directed to examine and decide the same at the earliest.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.02.2022
Transmission Date	

