

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10088 of 2020

1. Nageshwar Yadav S/o Late Surya Yadav resident of Village- Nauton Khurd, P.O.- Harpur Tola, P.S.- Majhoulia, District- West Champaran.
2. Sabita Devi W/o Anant Kumar resident of Village- Diyari, P.O.- Rampur Koddar Katti, P.S.- Araria, District- Araria.
3. Lalita Devi W/o Arvind Yadav resident of Village- Diyari, P.O.- Rampur Koddar Katti, P.S.- Araria, District- Araria.
4. Deo Narayan Yadav S/o Late Chedi Yadav resident of Village- Azamnagar, P.O.- Rampur Koddar Katti, P.S.- Araria, District- Araria.
5. Jai Prakash Yadav S/o Late Guru Prasad Yadav resident of Village- Azamnagar, P.O.- Rampur Koddar Katti, P.S.- Araria, District- Araria.
6. Muneshwar Yadav S/o Late Govind Yadav resident of Village- Azamnagar Kusiyaogaon, P.O.- Rampur Koddar Katti, P.S.- Araria, District- Araria.
7. Meena Devi W/o Chandranand Sah resident of Village- Azamnagar, P.O.- Rampur Koddar Katti, P.S.- Araria, District- Araria.
8. Krityanand Yadav S/o Late Medi Yadav resident of Village- Azamnagar, P.O.- Rampur Koddar Katti, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through its Commissioner-cum- Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
4. The Director, Mass Education, Education Department, Government of Bihar, Patna.
5. The District Education Officer, West Champaran.
6. The District Education Officer, Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, AG
	:	Mr. Ashutosh Ranjan Pandey, AAG 15

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

Date : 07-01-2022



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

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

“a. For issuance of any appropriate writ/s especially in the nature of mandamus commanding and directing the respondents concerned to observe the petitioners on the post of Class-III and Class-IV under the respondents state as the petitioners are ex-instructor of non formal educations on several grounds including that the state grounds including that the State Government has decided to absorb the non-formal education supervisor on Class-III post.

b. For issuance of any appropriate writ/s, 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.”

3. In support of the aforesaid relief petitioners are relying on the decision passed in C.W.J.C. No. 8418 of 2010 decided on 21.04.2011 and C.W.J.C. No. 384 of 2017 decided on 03.03.2017.

4. The concerned respondent is hereby directed to examine the grievance of the petitioners in terms of the aforesaid decision read with *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*. If the petitioners fulfill the requisite conditions, in that event necessary order shall be



passed in absorption/regularization of their services, if they are not entitled in that event, detailed speaking order shall be passed and communicated to each of the petitioner with reference to service particulars within a period of four months from the date of receipt of this order.

5. With the above observation, writ petitions stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	12.01.2022
Transmission Date	

