

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10293 of 2021

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1. Harendra Kumar Singh son of Nanu Lal resident of Village- Gola Road, P.O. and P.S.- Danapur, District- Patna, Pin Code- 801503
 2. Amit Kumar Singh son of Braj Ballabh Singh resident of Village- Chaura, P.O.- Khusrupur, P.S.- Daniyanwa, District- Patna, Pin Code- 803202.
 3. Shatrughan Sahani son of Bhola Sahani resident of Village- Jagdishpur, P.O.- Nehra, P.S.- Manigachhi, District- Darbhanga, Pin Code- 847233.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. Additional Chief Secretary, Education Department, Bihar, Patna.
3. Joint Secretary, Education Department, Bihar, Patna.
4. Bihar School Examination Board, Patna through its Secretary.
5. Chairman, Bihar School Examination Board, Patna.
6. Secretary, Bihar School Examination Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava
For the Respondent/s	:	Mr. Satyabir Bharti
	:	Mr. Madhaw Pd. Yadav

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

Date : 25-02-2022

Heard learned counsel for the parties.

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

“(i) Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the order dated 18/01/2019 bearing memo no. 44 issued by the concerned authorities under the Education Department of the State Government, by which the claims of the petitioners for absorption of their services in the capacity of Class-III employees under the Bihar School Examination Board, Patna (hereinafter referred to as “the Board”) has been rejected in



the most illegal and arbitrary manner on patently misconceived and erroneous grounds.

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Education Department of the State Government as well as the Board to take steps towards considering the cases of the petitioners for absorption of their services in their respective capacities as Class-III employees in the services of the Board upon dissolution of the erstwhile Bihar Intermediate Education Council, Patna (hereinafter referred to as “the Council”) in view of the fact that the petitioners had been appointed against their respective posts in the services of the erstwhile Council by the orders of the Chairman of the erstwhile Council and other similarly situated persons have already been absorbed in the services of the Board.

(iii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Education Department of the State Government as well as the Board to extend all the consequential benefits in terms of salary, arrears of salary, increments, seniority, promotion and continuity of service and other consequential benefits that the petitioners may be found to be entitled to upon absorption of their services against their respective posts in the services of the Board, in accordance with law with effect from dates from which other similarly situated person have been absorbed in the services of the Board and are being extended such benefits.

(iv) Issuance of a declaration holding that the petitioners are entitled for absorption of their services in their respective capacities in the services of the Board in view of the fact that they had been continuously working in the services of the erstwhile Council pursuant to their appointments against the respective posts strictly in accordance with law.

(v) Any other relief/reliefs that the petitioners may be found to be entitled to in the facts and circumstances of the present case.”

3. Learned counsel for the respective parties on instruction submitted that the present petition may be disposed of in terms of C.W.J.C. No. 16423 of 2021 decided on 15.12.2021.



4. Accordingly, impugned order dated 18.01.2019 stands set aside.

5. The concerned respondent is hereby directed to redress the grievance of the petitioner in the light of order passed in C.W.J.C. No. 16423 of 2021.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	04.03.2022
Transmission Date	

