

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10379 of 2021

1. Ram Suresh Son of Harinandan Singh Resident of Village- New Atwarpur, Om Hari Niwas, House No. 130, Ram Janki Path, P.o.- Kurthaul, P.s.- Parsa Bazar, District- Patna, Pin Code- 804453
2. Amit Kumar Son of Ram Das Singh Yadav Resident of Khemnichak, Shiv Nagar, Road No. 2, P.o.- New Jaganpura, P.s.- Ram Krishna Nagar, District- Patna, Pin Code- 800027
3. Subhash Chandra Mandal Son of Ram Janam Mandal Resident of Naya Tola, P.o.- Danapur, P.s.- Danapur, District- Patna, Pin Code- 801503
4. Shree Prasad Yadav Son of Satyanarayan Yadav resident of Mohalla- Nandgaon, P.o. and P.s.- Shastrinagar, District- Banka, Pin Code- 800023
5. Sunil Kumar Nirala Son of Indralal Thakur resident of village- Mallick Tola, P.o. and P.s.- Banka, District- Banka, Pin Code- 813102
6. Mohammed Ali Ansari Son of Muzibullah Ansari resident of village- Khansamatola, P.o. and P.s.- Hathuwa, District- Gopalganj, Pin Code- 841436
7. Tej Narayan Kishore Son of Nathuni Singh resident of village- Purab Mohalla Jagdishpur, P.o. and P.s.- Jagdispur, District- Bhojpur, Pin Code- 802158
8. Binod KUMar Son of Surya Narayan Sahu resident of Prabhat Niketan, Prabhat Granthagar, 31/361, New Patliputra Colony, P.o. and P.s.- Patliputra, District- Patna, Pin Code- 800013
9. Rajeshwar Prasad Son of Ramchandra Prasad resident of village- Golapur, P.o.- Maghra, P.s.- Deepnagar, District- Nalanda, Pin Code- 803101
10. Anirudh Rai Son of Jagdish Rai resident of village- Bakhri, P.o.- Maniyara, P.s.- Kuchaikot, District- Gopalganj, Pin Code- 841505
11. Ram Nath Yadav Son of Late Bam Bam Pahalwan resident of Mohalla- Kathautiya Gali, P.o. and P.s.- Chowk Patna City, District- Patna, Pin Code- 800008
12. Birendra Kumar Son of Gopal Ray @ Gopal Das resident of village- Kachaharipur, P.o.- Banarjhula, P.s.- Sonbarsa, District- Sitamarhi, Pin Code- 843317
13. Sarajul Haque Ansari Son of Md. Wahid Ansari resident of village- Salempatti, P.o.- Miraganj, P.s.- Miraganj, District- Gopalganj, Pin Code- 841438
14. Sudhir Kumar Singh Son of Nand Kishore Prasad Singh resident of Hanuman Nagar, New Punaichak Behind of State Bank of India, P.o. and P.s.- Shastri Nagar, Near Jagdewan Kunj, District- Patna, Pin Code- 800023
15. Vishwanath Prasad Son of Rangila Singh resident of village- Jaganpura, New Bye Pass Road, P.o.- New Jaganpura (Subhashnagar), P.s.- Ram Krishna Nagar, District- Patna, Pin Code- 800027
16. Tej Narayan Mahto Son of Ram Sevak Mahto resident of village- Pipraghat, P.o.- Bagaha, P.s.- Kanhauli, District- Sitamarhi, Pin Code - 843317



17. Arun Kumar Son of Bhagwan Prasad resident of Ghagha Ghat, Balu Ghat, P.o.- Mahendru, P.s.- Sultanganj, District- Patna, Pin Code- 800006
18. Vinod Purbey Son of Late Saryug Purbey resident at Judges Colony, Raghunath Path (R.P.S. More), P.o. and P.s.- Danapur, District- Patna, Pin Code- 801503
19. Subodh Kumar Yadav Son of Sadanand Yadav resident of village and P.o.- Pothia, P.s.- Simraha, District- Araria, Pin Code- 854318
20. Jai Prakash Bariyait Son of Madan Bariyait, Resident of village- Karjain, P.o. and P.s.- Karjain Bazar, District- Supaul, Pin Code- 852215
21. Kiran Kumari Daughter of Ramashray Prasad Singh resident of village and P.o.- Arhit, P.s.- Ghosi, District- Jehanabad, Pin Code- 804408
22. Zaved Ahmad Son of Jauwad Hussain Ansari resident of Mohalla- Badalpura, P.o.- Khagaul, P.s.- Khagaul, District- Patna, Pin Code- 801105
23. Ramesh Kumar Son of Bidashi Chaudhary resident of village- Pakari, P.o.- Peuli, P.s.- Miraganj, District- Gopalganj, Pin Code- 841436
24. Sanjay Kumar Son of Bir Narayan Yadav resident of village- Khunt, P.o.- Chopra Ramnagar, P.s.- Jankinagar, District- Purnia, Pin Code-854102
25. Sanjay Kumar Son of Kapildeo Singh resident of Village and P.o.- Baskhora, P.s.- Ghogardiha, District- Supaul, Pin Code- 852138

... .. 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.

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

Date : 25-02-2022

Heard learned counsels for the parties.

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

(i) Issuance of a direction, order or



writ, including writ in the nature of certiorari quashing the order dated 30/03/2019 bearing memo no. 224 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;

(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 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 the dates from which other similarly situated persons 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 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 30.03.2019 stands set aside.

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

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.03.2022
Transmission Date	

