

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7674 of 2022

1. Sanjay Mandal, son of Sobha Mandal, resident of Village-Thathopur, P.S. Baheri, District-Darbhanga.
2. Ramesh Prasad Yadav, son of Sri Udgaar Yadav, resident of Village-Kokara, P.S. Baheri, District-Darbhanga.
3. Yogendra Yadav, son of Baidhnath Yadav, resident of P.S. Harinagar, District-Darbhanga.
4. Jitendra Kumar Singh, son of Suresh Prasad Singh, resident of Village-Mahua, P.S.-Baghra, District-Darbhanga.
5. Lalpari Devi, Wife of Sri Raghunath Mukhiya, resident of Village-Gujraoli, P.S. Baghera Simri, District-Darbhanga.
6. Sikandar Mochi, son of Chalitar Mochi, resident of Village-Rupaulia, P.S. Baheri, District-Darbhanga.
7. Reena Kumari Wife of Ram Lal Yadav, resident of Village-Necham Chhatauna, P.S. Narsara, District-Darbhanga.
8. Vijay Kumar Das, son of Dhyan Das, resident of Village-Bikupatti, P.S. Bahera, District-Darbhanga.
9. Mukeshwar Choupal, son of Bhola Choupal, resident of Village-Lalapatty, P.S. Ghanshyampur, District-Darbhanga.
10. Deo Kumar Yadav, son of Sitaram Yadav, resident of Village-Dihalahi, P.S. Bisanpur, District-Darbhanga.
11. Ram Bahadur Paswan, son of Mahendra Paswan, resident of Village-Ijrhatta, P.S. Ijrhatta, District-Darbhanga.
12. Sangita Kumari Wife of Shatrughan Prasad, resident of Village-Dihlahi, P.S. Bishaupur, District-Darbhanga.
13. Ganga Prasad Yadav, son of Gogal Yadav, resident of Village-Ward No. 10, Ijrahata, P.S. Ijrahata, District-Darbhanga.
14. Poonam Kumari Wife of Shyam Sundar Suman, resident of Village-Dainikhon Inay, P.S. Inay, District-Darbhanga.
15. Masiur Rahman, son of Safiur Rahman, resident of Village-Motgah, P.S. Baghauni, District-Darbhanga.
16. Lalit Kumar, son of Nunu Lal Mandal, resident of Village-Borba Punai, P.S. Baheri, District-Darbhanga.
17. Shailendra Kumar Kapar, son of Late Yogeshwar Kapar, resident of Ward No. 13 Godai Patti, P.S.-Baghela-Moro, District-Darbhanga.
18. Lalan Mandal, son of Late Baudhu Mandal, resident of Village-Madhopur, P.S. Baghela-Moro, District-Darbhanga.
19. Dilip Kumar Sahani, son of Upendra Sahani, resident of Village-Nardar Dilahi, P.S. Bisanpur, District-Darbhanga.
20. Anil Kumar, son of Kamaudhi Rai, resident of Village-Pandaul, P.S. Moro, District-Darbhanga.

21. Kumud Ranjan Jha, son of Vidyanand Jha, resident of Village-Raje Goth, P.S. Manigachhi, District-Darbhangha.
22. Rajdev Chaupal, son of Anandi Chaupal, resident of Village-Ward No. 03, Rai West, P.S. Manigacchi, District-Darbhangha.
23. Ram Balak Pandit, son of Rajendra Pandit, resident of Village-Surhi Kharsand, P.S. Gobarsingha, District-Samastipur.
24. Ranju Kumari, Wife of Sanjay Kumar Singh, resident of Village-Gangsara, P.S. Baheri, District-Darbhangha.
25. Ram Kumar Chaurasiya, son of Baleshwar Chaurasiya, resident of Ward No. 09, Village-Udaypur Akhtiarpur, P.S. Sarairanjan, District-Samastipur.
26. Rina Kumari, Wife of Lalit Prasad Karn, resident of Ward No. 14, Village and P.S. Barah Patthar, District-Samastipur.
27. Chandeshwar Ram, son of Siyacharan Ram, resident of Ward No. 10, Village and P.S.- Harpur Barheta, District-Samastipur.
28. Laxmi Kumari, Wife of Lakshmeshwar Chaurasiya, resident of Ward No. 07, Village and P.S. Akhtiyarpur, District-Samastipur.
29. Praveen Kumar, Son of Chethru Pandit, resident of Village-Meyari Bazidpur, P.S. -Meyari, District-Samastipur.
30. Bevi Devi, Wife of Pramod Chaudhary, resident of Village-Sherpur Narasari, P.S. -Sarairanjan, District-Samastipur.
31. Bibha Devi, Wife of Ram Kumar Singh, resident of Ward No. 14, Village-Madhuwan, P.S. -Karihara, District-Samastipur.
32. Ashok Kumar Mahto, son of Ram Chandra Mahto, resident of Village-Ramkishun Gopalpur, P.S. -Barah Batta, District-Samastipur.
33. Arun Kumar, son of Ram Chandra Mahto, resident of Village-Bajitpur P.S. -Bhagwatpur, District-Samastipur.
34. Sunita Kumari, Wife of Satish Kumar, resident of Village-Bakhari Barai, P.S. -Rajapakar, District-Vaishali.
35. Anamika Kumari, Wife of Sanjit Ram, resident of Village-Bakhari Barai, P.O. Bakhari Supayar, P.S. -Rajapakar, District-Vaishali.
36. Rinku Kumari, Wife of Sunil Kumar Das, resident of Village-Bakhari Sultan, P.S. Goraul, District-Vaishali.
37. Suman Kumari, Wife of Kesav Chandra, resident of Village-Mukundpur Bhath, P.S. -Mukundpur, District-Vaishali.
38. Mamta Kumari, Wife of Lakshaman Kumar, resident of Village-Rajapakar, P.S. -Rajapakar, District-Vaishali.
39. Nutan Kumari, Wife of Sunil Paswan, resident of Village-Shekhpora Bishanpur Said, P.S. -Rajapakar, District-Vaishali.
40. Kumari Veebha, Wife of Vijay Kumar, resident of Village-Bakarpur Nirpura, P.S. -Rajapakar, District-Vaishali.
41. Chandraket Ray, son of Sita Ram Ray, resident of Village-Chakousan (Hasanchak), P.S. -Bajitpur, District-Vaishali.
42. Mukesh Kumar, son of Upendra Nath Shukla, resident of Village-Kanhauri,

P.S. -Mahua, District-Vaishali.

43. Ashwini Kumar, Son of Shiv Shankar Ray, resident of Village-Chandpura Khurd, P.S. -Goraul, District-Vaishali.
44. Sunil Paswan, son of Lakshman Paswan, resident of Village-Mahammadpur Lakhanpur, P.S. -Desari, District-Vaishali.
45. Rinki Kumari Rai, Wife of Arun Kumar, resident of Ward No. 4, Village-Dobarkothi, P.S. -Chak Sikandar, District-Vaishali.
46. Veena Kumari, Wife of Ranjit Kumar Chaudhary, resident of Ward No. 4, Village-Vishnupatti, P.S. -Jandaha, District-Vaishali.
47. Usha Kumari, Wife of Shiv Narayan Rai, resident of Village-Chand Sarai, P.S. -Jandaha, District-Vaishali.
48. Brajesh Kumar Ranjan, son of Bhola Paswan, resident of Village-Enayat Nagar Rasulpur, P.S. -Goraul, District-Vaishali.
49. Ramesh Paswan, son of Bhola Paswan, resident of Village-Enayat Nagar, P.S. -Goraul, District-Vaishali.
50. Ramesh Kumar, son of Balmukund Bhagat, resident of Village-Chechar West, P.S. -Bidupur, District-Vaishali.
51. Lal Babu, son of Pyare Lal, resident of Village-Rusulpur Gangti, P.S. Goraul, District-Vaishali.
52. Sunil Thakur, son of Lallu Thakur, resident of Village-Kaithi, P.S. -Akorhi Gola, District-Rohtas.
53. Bijendra Kumar Singh, son of Sachidanand Singh, resident of Village-Pyarepur, P.S. -Akorhi Gola, District-Rohtas.
54. Sahdeo Ram, son of Phaguni Ram, resident of Village-Nima, P.S. -Rajpur, District-Rohtas.
55. Ramesh Kumar Singh, son of Vijay Bahadur Singh, resident of Village-Tendua Khurd, P.S. -Akorhi Gola, District-Rohtas.
56. Shree Niwas Chaudhary, son of Jay Govind Chaudhary, resident of Village-Kusumhara, P.S. -Rajpur, District-Rohtas.
57. Lalati Kumari, Wife of Daroga Singh, resident of Village-Kusumhara, P.S. -Rajpur, District-Rohtas.
58. Keeran Kumari, Wife of Ram Raj Sharma, resident of Village-Kesho Bigha, P.S. -Akhori Gola, District-Rohtas.
59. Prem Chand Prasad, son of Basant Ram, resident of Village-Saleya Tola, P.S. -Akhori Gola, District-Rohtas.
60. Indu Kumari, Wife of Harku Pali, resident of Village-Saleya Tola, P.S. -Akhori Gola, District-Rohtas.
61. Dhanji Kumar Singh, son of Gajar Singh, resident of Village-Shivpur, P.S.-Karghar, District-Rohtas.
62. Vinay Kumar Singh, son of Satya Narayan Singh, resident of Village-Sohda, P.S.-Kachhawan, District-Rohtas.
63. Santosh Kumar Singh, son of Brahm Deo Singh, resident of Village-Ojhawalia, P.S.-Nasriganj, District-Rohtas.

64. Bindu Kumari, Wife of Lal Mohar Thakur, resident of Village-Ugar Bigaha, P.S.-Sasaram, District-Rohtas.
65. Chunnu Kumar, son of Ram Naresh Thakur, resident of Village-Bhithi, P.S.-Bhithi, District-Siwan.
66. Harendra Yadav, son of Dwarika Yadav, resident of Village-Panjwar, P.S.-Panjwar, District-Siwan.
67. Binda Devi, Wife of Om Prakash Rai, resident of Village-Balirampur, P.S.-Baheli, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajesh Mohan, Adv.
For the Respondent/s : Mr.Binita Singh (Sc 28)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 28-07-2022 Heard the parties.

The case is being taken-up from defect side.

Learned counsel for the petitioner is directed to submit the original petition along with attested affidavits and also remove all the defects pointed out by the Registry within two weeks from today.

Admittedly, the petitioners were holding the post of Lok Shikshak, which stands abolished. Scheme under which the Lok Shikshak was appointed already stands abolished.

The petitioners claim that they should be absorbed on

the post of Panchayat Teacher. While the petitioners are always free to participate in the regular selection process, no orders can be possibly passed for absorption of the employees who were appointed under a particular scheme to a regular cadre as they were not knowing the process of selection. The decision to absorb is an exclusive domain of the State Government and the judicial fiat cannot be exercised for the said purpose.

However, taking into consideration, the petitioners have performed duties akin to Assistant Teachers; as and when regular selection are made, the petitioners would be entitled for age relaxation as has been observed in the Judgment passed by (Praful Kumar Mandal & Ors. vs. The State of Bihar & Ors.) decided on 30.11.2017.

With this observation, this writ petition is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Sadique/-
Item No. 30

U			
---	--	--	--