

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3863 of 2021

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Baby Kumari Daughter of Late Chandrika Prasad, Wife of Ajay Kumar Pradip
Resident of Village and Post Office- Koirigawn, Koi Tola, near- Post Office,
Police Station- Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Additional Chief Secretary-cum- the Principal Secretary, Education Department, Bihar, Patna.
3. The Director Primary Education Bihar, Patna.
4. The District Magistrate, Siwan.
5. The District Education Officer, Siwan.
6. The District Programme Officer (Sarva Siksha Abhiyan), Siwan.
7. The Block Education Officer, Barharia, Block- Barharia, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Shilpa Singh, GA 12

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

Date : 31-01-2022

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

2. State counsel accepts notice for the respondents.

3. In the instant petition, petitioner has prayed for the
following relief/reliefs:

“I. For issuance of an appropriate writ in the
nature of mandamus for commanding directing the respondent
authorities concerned to relax the condition with regard to the
condition for the petitioner to be a petitioner either before this
Hon’ble Court or Hon’ble Supreme Court, as the petitioner is
continuously engaged as non-formal instructor for the year
1987 – 1991 at Koirigawn, P.S. - Barharia, Dist – Siwan and,



hence, she is entitled to be considered for absorption/regularization of the service of the petitioner on Class-IV post.

II. For issuance of an appropriate writ in the nature of mandamus for commanding directing the respondent authorities concerned to consider the case of the petitioner for absorption/regularization, as she has continuously engaged as non-formal instructor for the year 1987-1991 at Korigawn, P.S. - Barharia, Distt – Siwan and as the petitioner has already applied for absorption/regularization of her services on class IV post for which she is entitled as she has worked for more than three years which is the minimum criteria.

III. For issuance of an appropriate writ/writs, order/orders, direction/directions to the respondent authorities concerned to select/appoint on Class IV post on the basis of her experience of non-formal instructor for the year 1987-1991 at Koirigawn, P.s. - Barharia, Distt – Siwan without any further delay as similarly stated persons have been appointed whereas the petitioner is deprived till date.

IV. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondents to consider the case of the petitioner including her name for her selection/appointment on the class IV post for which she is entitled to be appointed on the basis of experience Non-formal instructor by which the candidates who has worked for three years have been directed to be appointed and hence the petitioner may kindly be also given the same benefits as per the Bihar State Litigation Policy, 2011, Rule 4(c) by which similarly situated candidates are entitled for same treatment and benefits.

V. For issuance of an appropriate writ/writs, order/orders direction/directions for which the petitioner is entitled in accordance with law.”

4. In the present petition, petitioner has sought for the issuance of writ of *Mandamus*. He has not made out a case for the reasons that he has not established legal/statutory right followed by demand before the competent authority.

5. In the light of Apex Court decision in the case of ***Mani Subrat Jain V. State of Haryana*** reported in (1977) 1 SCC



486, the present petition is not maintainable, however, in the interest of litigant, petitioner is at liberty to approach the concerned respondent in submitting a detailed representation along with judicial pronouncements within a period of eight weeks from the date of receipt of this order. The concerned respondent is hereby directed to decide it within a period of four months from the date of receipt of such representation.

6. With the above observations, writ petitions stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

