

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 803 of 2018

1. Sabul Alam, Son of Sailuddin Resident of Village - Tengar Mari, P.O. - Gachpara, Police Station District - Kishanganj.
2. Md. Fariduddin Son of Md. Shamsheer Ali Resident of Village - Baichuka, Teosa, P.O. Police Station District - Kishanganj.
3. Md. Hasmuiddin Son of Md. Yasin Resident of Village - Anda Bari, P.O. - Bhawaniganj, Police Station - Patha Mari, Thakuganj, District - Kishanganj.
4. Dharmeshwar Pd. Karmakar Son of Jagdish Prasad Karmakar Resident of Village - Sunder Bari, P.O. - Sunder Bari, Police Station - Kochadhamn, District - Kishanganj.
5. Raj Banti Devi Wife of Balram Das Resident of Village - Kelhia Chowk, P.O. - Dasia Toli, Police Station - Powa Khali, District - Kishanganj.
6. Md. Akhtar Hussain Son of Late Saidur Rahman Resident of Village - Bibiganj, P.O. - Bibiganj, Police Station - Bibiganj, District - Kishanganj.
7. Chandeshwar Prasad Mandal Son of Gujar Lal Mandal Resident of Village - Bahadurganj, P.O. - Bahadurganj, Police Station - Bahadurganj, District - Kishanganj.
8. Bhupendra Nath Sinha Son of Bikku Lal Sinha Resident of Village - Bahadurganj, P.O. - Bahadurganj, Police Station - Bahadurganj, District - Kishanganj.
9. Md. Muzaffar Hussain Azad Son of Md. Islam Resident of Village - Dohar, P.O. Police Station - Bahadurganj, District - Kishanganj.
10. Arvind Kumar Singh Son of Karam Lal Singh Resident of Village - Bhata Bari, P.O. Police Station - Bahadurganj, District - Kishanganj.
11. Rintu Kumar Yadav Son of Radha Lal Yadav Resident of Village - Dhaula, P.O. Police Station - Kishanganj, District - Kishanganj.
12. Md. Ashabuddin Son of Md. Iliyas Resident of Village - Bagalbari, P.O. Police Station - Kochadhaman, District - Kishanganj.
13. Birku Lal Thakur Son of Late Mohan Lal Thakur Resident of Village - Bahadurganj, P.O. Police Station - Bahadmganj, District - Kishanganj.
14. Md. Rafi Azam Son of Md. Sahroddin Resident of Village - Southa, P.O. - Southa, Police Station - Bahadurganj, District - Kishanganj.
15. Nausari Begum Daughter of Faizur Rahman Resident of Village - Bahadurganj, P.O. Police Station - Bahadmganj, District - Kishanganj.
16. Nirmala Devi Wife of Chandra Mohan Das Resident of Village - Bahadurganj, P.O. Police Station - Bahadmganj, District - Kishanganj.
17. Bhawesh Kumar Singh Son of Braham Lal Singh Resident of Village - Kanhaiya Bagh, P.O. Police Station - Terhagach, District - Kishanganj.
18. Md. Nasim Ansari Son of Homodur Rahman Resident of Village - Moudho, P.O. - Moudho, Police Station - Kochadhaman, District - Kishanganj.
19. Md. Sujauddin Son of Md. Jamaluddin Resident of Village - Patkoi, P.O. Police Station - Kochadhaman, District - Kishanganj.



20. Balwant Kumar Jha Son of Rajendra Mohan Jha Resident of Village - Majkuri, P.O. Police Station - Kochadhaman, District - Kishanganj.
21. Brij Mohan Mandal Son of Hari Lal Mandal Resident of Village - Purandaha, P.O. Police Station - Kochadhaman, District - Kishanganj.
22. Raj Kumar Singh Son of Hari Lal Mandal Resident of Village - Daak Pokhar, P.O. Police Station - Terhagach, District - Kishanganj.
23. Hammad Alam Son of Md. Suleman Resident of Village - Bahadurganj, P.O. Police Station - Bahadmganj, District - Kishanganj.
24. Md. Shoyab Alam Son of Niyazuddin Resident of Village - Bahadurganj, P.O. Police Station - Bahadmganj, District - Kishanganj.
25. Marghub Alam Son of Hasabuddin Resident of Village - Kochadhaman, P.O. Police Station - Kochadhaman, District - Kishanganj.
26. Gopal Kumar Son of Ghamandi Lal Ganesh Resident of Village - Patwa, P.O. Police Station - Thakurganj, District - Kishanganj.
27. Samima Khatoon Wife of Md. Iftexhar Alam Resident of Village - Bans Bari, Police Station - Thakurganj, District - Kishanganj.
28. Md. Shamsul Hoda Son of Md. Jamaluddin Resident of Village - Khanki, P.O. - Ruidhasa, Police Station - Thakurganj, District - Kishanganj.
29. Ganesh Sinha Son of late Patharu Lal Sinha Resident of Village - Temourgachh, P.O. - Hulhuli, Police Station - Thakurganj, District - Kishanganj.
30. Md. Iqbal Hussain Son of Md. Tahir Hussain Resident of Village - Kathal Bari, P.O. - Bangaman, Police Station - Bahadurganj, District - Kishanganj.
31. Tauquir Alam Son of Sahimuddin Resident of Village - Ruhia, P.O. - Kasibari Hat, Police Station - Kochadhaman, District - Kishanganj.
32. Braj Kishore Singh Son of Surendra Singh Resident of Village and Post - Pipri Than, Police Station - Kulikort, District - Kishanganj.
33. Mukesh Kumar Son of late Sukdeo Prasad Singh Resident of Village - Duwanochi Vihar Colony, P.O. - Panpara, Police Station - Pothia, District - Kishanganj.
34. Brij Mohan Ganesh Son of Kameshwar Ganesh Resident of Village - Haldibari, P.O. - Pothia, Police Station - Pothia, District - Kishanganj.
35. Md. Shabbir Alam Son of Quamruddin Resident of Village - Khanquak, P.O. - Chhattargach, Police Station - Paharkatta, District - Kishanganj.
36. Bipin Kumar Singh Son of Surendra Kumar Singh Resident of Village - Mushal Danga, P.O. - Dalua Hat, Police Station - Pothia, District - Kishanganj.
37. Munna Thakur Son of Ram Vilash Thakur Resident of Nehru Road, Village P.O. Police Station - Thakurganj, District - Kishanganj.
38. Birbal Sharma Son of Ram Chandar Sharma Resident of Village - Aamal Thari, P.O. - Gunjar Mari, Police Station - Thakurganj, District - Kishanganj.
39. Padam Lal Singh Son of Shambhu Lal Singh Resident of Village - Mala Kata, P.O. - Patheria, Police Station - Galgalia, District - Kishanganj.
40. Md. Taufique Alam Son of Late Mojibur Rahman Resident of Village -



Satmeri, P.O. - Maria, Police Station - Pothia, District - Kishanganj.

41. Pradip Kumar Yadav Son of Mohan Lal Yadav Resident of Village - Motihara, P.O. - Belwa, Police Station - Kishanganj, District - Kishanganj.
42. Md. Munazir Alam Ansari Son of Washi Ahmad Resident of Village - Pipra, P.O. - Bibiganj, Police Station - Terhagachi, District - Kishanganj.
43. Md. Ashfaque Alam Son of Md. Rahimuddin Resident of Village - Aanibari, P.O. - Bhatabari, Police Station - Bahadurganj, District - Kishanganj.
44. Sadanand Sah Son of late Motilal Sah Resident of Village - Deori Ambary, P.O. - Rupnihat, Police Station - Bahadurganj, District - Kishanganj.
45. Md. Parwej Alam Son of late Ajimuddin Resident of Village - Sarai, P.O. - Sonyahat, Police Station - Kochadhaman, District - Kishanganj.
46. Mahboob Alam Parwana Son of late Alimuddin Resident of Village - Raja Mohta, P.O. - Modah Hat, Police Station - Kochadhaman, District - Kishanganj.
47. Tarni Prasad Mandal Son of late Maya Nand Mandal Resident of Village - Kushpara, P.O. - Sindhari Hat, Police Station - Kochadhaman, District - Kishanganj.
48. Md. Abdul Kasim Son of Md. Maniruddin Resident of Village - Duraghati, P.O. - Bibi Bharatpur, Police Station - Thakurganj, District - Kishanganj.
49. Md. Rauf Alam Son of late Md. Salimuddin Resident of Village - Hatgaon, P.O. Police Station - Tehragach, District - Kishanganj.
50. Md. Samed Ali Son of Rezatullah Resident of Powakhali, Police Station - Thakurganj, District - Kishanganj.
51. Shahnaj Begum Daughter of Aafak Alam Resident of Powakhali, Police Station - Thakurganj, District - Kishanganj.
52. Visheshwar Prasad Son of late Bhim Lal Singh Resident of Village - Daak Pokhar, Police Station - Terhagach, District - Kishanganj.
53. Md. Ahmad Hussain Son of late Abdul Basit Resident of Village - Damdbari, Police Station - Pothia, District - Kishanganj.
54. Zahidur Rahman Son of late Basiruddin Resident of Village - Chhagalia, P.O. - Singhia, Police Station - Paharkatta, District - Kishanganj.
55. Fulchand Roy Son of Chandra Mohan Resident of Village - Parla Bari, P.O. - Raipur, Police Station - Paharkatta, District - Kishanganj.
56. Habeebur Rahman Son of late Md. Birbal Resident of Village - Mahingaon, P.O. - Hatwar, Police Station - Kishanganj, District - Kishanganj.
57. Sanjeev Kumar Singh Son of Kunwar Singh Resident of Village - Ramjibari, P.O. - Singhia, Police Station - Kishanganj, District - Kishanganj.
58. Md. Mustaque Ahmad Son of Lal Mohammad Resident of Village - Fulbasti, P.O. - Chakla Ghat, Police Station - Kishanganj, District - Kishanganj.
59. Shandar Lal Ganesh Son of Uttam Lal Ganesh Resident of Village - Chetal, Police Station - Thakuganj, District - Kishanganj.
60. Md. Azharuddin Son of Farjan Ali Resident of Village - Tengar Mari, P.O. - Gachpara, Police Station and District - Kishanganj.



61. Shamim Akhtar Son of Abbas Alam Resident of Singhia Sultanpur, P.O. - Chakla Ghat, Police Station and District - Kishanganj.
62. Noorul Quaisar Son of Md. Yasin Resident of Haldikhora, P.O. - Haldikhora, Police Station - Kochadhaman, District - Kishanganj.
63. Manoj Kumar Son of Late Ghamandi Lal Singh Resident of Village - Shahpur, P.O. - Angar Hat, Police Station - Kochadhaman, District - Kishanganj.
64. Dara Singh Son of Kusum Lal Singh Resident of Village - Motipur, P.O. - Alta Hat, Police Station - Kochadhaman, District - Kishanganj.
65. Brij Mohan Mandal Son of Hari Lal Mandal Resident of Village - Dogharia, P.O. - Dogharia, Police Station - Kochadhaman, District - Kishanganj.
66. Kumar Manoj @ Kumar Manoj Singh Son of Bhasam Lal Singh Resident of Village - Chandwar Malik, P.O. P.S. - Bahadurganj, District - Kishanganj.
67. Krishna Prasad @ Krishna Prasad Singh Son of Eklal Ganesh Resident of Village - Karua Mari, Police Station - Dighal Bank, District - Kishanganj.
68. Krishna Prasad Mahto Son of late Sita Ram Mahto Resident of Village - Bel Bari, P.O. P.S. - Thakurganj, District - Kishanganj.
69. Md. Naiyer Haider Son of Md. Islamuddin Resident of Village - Hat Gachi Gouramani, P.O. - Kanhaiya Bari Hat, Police Station - Kochadhaman, District - Kishanganj.
70. Md. Manzar Alam Son of Abdul Majeed Resident of Village Dhansona, Police Station - Kochadhaman, District - Kishanganj.
71. Naimuddin Son of Jharul Baksh Resident of Village - Riyazi, Police Station - Terhagach, District - Kishanganj.
72. Md. Shakil Son of Sagiruddin Resident of Village - Palasmani, Police Station - Bahadurganj, District - Kishanganj.
73. Nasar Alam Son of Md. Yusuf Resident of Village - Teosa, P.O. - Teosa, Police Station and District - Kishanganj.
74. Jamil Akhtar Son of Abul Hasan Resident of Village - Malin Gaon, Police Station - Thakurganj, District - Kishanganj.
75. Md. Matuir Rahman Son of Md. Nasiruddin Resident of Village - Dighly, P.O. - Taiabpur, Police Station - Pothia, District - Kishanganj.
76. Rafique Alam Son of Quamruddin Resident of Village - Matigara, P.O. - Taiyabpur, Police Station - Pothia, District - Kishanganj.
77. Md. Ahsan Alam Son of Ainuddin Resident of Village - Prajakuri, Police Station - Pothia, District - Kishanganj.
78. Md. Musharul Haque Son of Md. Bashiruddin Resident of Village - Ramania Pokhar, Police Station - Pothia, District - Kishanganj.
79. Lalit Kumar Singh Son of Hari Narayan Singh Resident of Village - Kanchanbari, Police Station - Korobari, District - Kishanganj.
80. Md. Naushad Alam Son of Bahruddin Resident of Village - Tang Tangi, P.O. - Rupni, Police Station - Bahadurganj, District - Kishanganj.
81. Suraj Kumar Sinha Son of Goli Sinha Resident of Village - Khalpara, P.O. - Churli, Police Station - Thakurganj, District - Kishanganj.



82. Khageshwar Sinha Son of Khem Chand Sinha Resident of Village - Galgalia Gachh, P.O. - Churli, Police Station - Thakurganj, District - Kishanganj.
83. Ashi Lal Singh Son of Damru Sinha Resident of Village - Dangi Bari, P.O. P.S. - Thakurganj, District - Kishanganj.
84. Bikas Das Son of Satya Narayan Das Resident of Village - Sati Ghata, P.O. - Singhia, Police Station and District - Kishanganj.
85. Md. Nasim Dhunia Son of Khudadin Dhunia Resident of Tegharia, Police Station - Kishanganj, District - Kishanganj.
86. Ahmad Hussain Son of Islamuddin Resident of Budhni, Police Station - Pothia, District - Kishanganj.
87. Md. Mustaque Alam Son of Md. Saiddur Rahman Resident of Village - Kahla Basti, Police Station - Powakhali, District - Kishanganj.
88. Md. Allauddin Son of Md. Mahtab Resident of Village - Udgara, Police Station - Pothia, District - Kishanganj.
89. Raj Narayan Singh Son of Bhatan Lal Singh Resident of Toka Bhasa Phulbari, Police Station - Tedhagachh, Police Station - Kishanganj.
90. Md. Kamraaj Alam Son of Md. Mohiuddin Resident of Village Masjidgarh, Police Station - Kochadhawan, District - Kishanganj.
91. Rakesh Kumar Singh Son of late Gokul Prasad Singh Resident of Village - Hamla, Police Station - Pawakhali, District - Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources Development Department, Patna
2. Bihar Shiksha Pariyojna Parishad through its Director, Beltron Bhawan, Police Station – Shastrinagar, Patna
3. The Director, Secondary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Kishanganj.
5. The District Education Officer, Kishanganj, District - Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Rajesh Kumar, Advocate

For Respondent No 2 : Mr Girijesh Kr, Advocate



CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 10-10-2022

Heard learned counsel for the petitioners and Respondent No 2. None appears for the State.

2 Having worked under the scheme of the State Government as ***Lok Shikshak***, the petitioners have filed this writ petition with a prayer seeking absorption as ***Panchayat Shikshak*** under the formal education scheme.

3 Learned counsel for the petitioners, however, submits that in view of judgment of the Apex Court in the case of Secretary, State of Karnataka & Others -Versus- Umadevi & Others, reported in (2006) 4 Supreme Court Cases 1, the petitioners concede their original relief and instead placed reliance on decision of this Court rendered in the case of ***Prafful Kumar Mandal & Others -Versus- State of Bihar & Others*** in ***CWJC No 1109 of 2017***, the relevant extract of the judgment relied upon, reads as follows:

“Counsel for the petitioners conceded to the extent that direction for regularization, after the judgment in Umadevi’s case, is impermissible. However, he submits that since the petitioners have worked under the scheme of the State



Government as such they are entitled to consideration of their case for age relaxation considering the fact that they have worked under the scheme of the State Government, there is absolutely no dispute that these petitioners have rendered services in furtherance of the scheme of the State Government for promoting education pursuant to the constitutional amendment and insertion of Article 21A and Right to Children to Free and Compulsory Education Act, 2009. It is admitted position that petitioners are still continuing.

The Court in the aforesaid circumstances deems it fit and proper to direct the respondents to consider relaxing the age in the event the petitioners are otherwise eligible for the appointment as Panchayat Shikshak as one time measure considering the fact that they have worked under the scheme of the State Government.

With the aforesaid observations, the writ petition stands disposed of.”

4 It is submitted that the aforesaid judgment was assailed by way of intra-Court appeal before the Division Bench in LPA No 637 of 2019 which has affirmed the operative portion of the order passed by the Writ Court as follows:

“The operative portion of the order impugned in this Letters Patent Appeal reads as under:

“The Court in the aforesaid circumstances deems it fit and proper to direct the respondents to consider relaxing the age in the event the petitioners are otherwise



eligible for the appointment as Panchayat Shikshak as one time measure considering the fact that they have worked under the scheme of the State Government.

With the aforesaid observations, the writ petition stands disposed of.”

It is evident from above that the State Government was only directed to consider relaxing the age in the event the petitioners were otherwise eligible for appointment as Panchayat Shikshak as one time measure considering the fact that they have worked under the scheme of the State Government. It is, thus, obvious that the discretion was left completely in the hands of the State Government. It is inexplicable why this Letters Patent Appeal has been filed, normally, that too, after a delay of one and half years.

The appeal appears to be totally frivolous in nature as the direction could have been complied with by the concerned authority of the State Government.

In view of the above, this Letters Patent Appeal is dismissed.”

5 It is submitted that the petitioners, for the present, would be satisfied if their case is disposed of in terms of the orders passed in CWJC No 1109 of 2017, affirmed in LPA No 637 of 2019.



6 Since the petitioners are claiming consideration in terms of decisions passed in the case of similarly situated persons, this writ petition is disposed of in terms of decisions quoted above.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2022
Transmission Date	NA

