

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1327 of 2018

1. Braj Kishor Kumar and Ors Son of Amrendra Mandal, resident of Village- Gopalpur, P.S. Block- Udakishunganj, District- Madhepura.
2. Ashok Kumar Bhagat, Son of Jagarnath Bhagat, resident of Village- Baijnathpur, P.S. Block- Udakishunganj, District- Madhepura.
3. Manmohan Sharma, Son of Bechan Sharma, resident of Village- Bhal Vahi Bilia Basa, P.S. Block- Udakishunganj, District- Madhepura.
4. Niranjana Kumar Sah, Son of Sri Ashok Sah, resident of Village- Bargaon, P.S. Block- Alamnagar, District- Madhepura.
5. Ram Sagar Pandit, Son of Dev Narayan Pandit, resident of Village- Kaberia, P.S. Sadar Darbhanga, Block- Darbhanga Sadar, District- Darbhanga.
6. Mahesh Kumar, Son of Mahendra Yadav, resident of Village- Sonhan, P.S. Keoti, Block- Darbhanga Sadar, District- Darbhanga.
7. Arjun Yadav, Son of Jeevan Yadav, resident of Village- Dhobgama, P.S. Keoti, Block- Keoti, District- Darbhanga.
8. Geeta Devi, Wife of Kamal Kant Yadav, resident of Village- Dhobgama, P.S. Block- Keoti, District- Darbhanga.
9. Pankaj Kumar Singh, Son of Pawan Kumar Singh, resident of Village- Gorhiyari, P.S. Bishanpur, Block- Hanuman Nagar, District- Darbhanga.
10. Manish Kumar Pathak, S/o Valgovind Patha, resident of Village- Baghla, P.S. Bishanpur, Block- Hanuman Nagar, District- Darbhanga.
11. Shiv Shankar Singh, S/o Chhutahru Singh, resident of Village- Tharhi, P.S. Block- Barhar Kothi, District- Purnea.
12. Amit Kumar, Son of Fulsheswar Yadav, resident of Village- Naulakhi, P.S. Janki Nagar, Block- Banmanki, District- Purnea.
13. Ravindra Kumar Gupta, S/o Prem Chandra Gupta, resident of Village- Guria, P.S. Block- Kumar Khand, District- Madhepura.
14. Praveen Kumar Ram, Son of Arjun Ram, resident of Village- Madhuban, P.S. Block- Uda Kishunganj, District- Madhepura. Mobile No. 8809948213.
15. Rakesh Kumar, Son of Ajit Kumar, resident of Village- Tarsua Bargaon, P.S. Ratwara, Block- Alamnagar, District- Madhepura.
16. Gulcharan Mehta, Son of Arjun Mehta, resident of Village- Alam Nagar, Bari Bageecha, P.S. Alamnagar, Block- Alamnagar, District- Madhepura.
17. Nutan Kumari, Son of Mithilesh Kumar Singh, resident of Village- Sonwarsa, P.S. Block- Alamnagar, District- Madhepura.
18. Sunil Kumar Manjul, Son of Brahmadev Mandal, resident of Village- Bhrampur Tola, P.S. Block- Alamnagar, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of Human Resources Development,

Patna.

3. The Director, Primary Education, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Qumrul Hoda, Adv.
For the Respondent/s : Mr.Madanjeet Kumar -Gp20

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

6 05-07-2022

1. The case is being taken up from defect side.

2. Learned counsel for the petitioners 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.

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

4. 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 the scheme to a regular cadre. The decision in this regard is an exclusive domain of the State Government and the judicial fiat cannot be exercised for the said purpose.

5. However, taking into consideration, the petitioners

have performed duties akin to an Assistant teacher, as and when regular selection are made, the petitioners would be entitled for age relaxation as has been observed in a Judgment passed by a Coordinate Bench of this Court in C.W.J.C. No. 1109 of 2017 (Prafful Kumar Mandal & Ors. vs. The State of Bihar & Ors.) decided on 30.11.2017.

6. With this observation, this writ petition is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 30

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