

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3813 of 2021

=====

Geeta Kumari @ Geeta Devi Daughter of Shri Ran Barai Singh wife of - Shri Sanjay Kushwaha @ Sanjay Kauswaha, Resident of Village - Milkichak, Post Office - Sahpur, Police Station - Nautan, District - Siwan. Address Mentioned in the Aadhar Card, RZ-B-143, Gali No. 4, Jai Vihar, Najafgarh, South West Delhi, Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additiobnal chief Secretary-cum- the Principal Secretary, Education Department, govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The Bihar Shiksha Pariyojna Parishad through its Director Beltron Bhawan, Shastri Nagar, Police Station - Shastri Nagar, Patna.
5. The District Magistrate, Siwan.
6. The District Education Officer, Siwan.
7. The District Programme Officer (Sarv Shiksha Abhiyan), Siwan.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra
For the Respondent/s : Mr. Shashi Shekhar Tiwary, AC to AAG-15/10

=====

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 accept notice for respondents.

3. Learned counsel for the petitioner is hereby directed to furnish copy of the petition to the State counsel.

4. In the instant petition, petitioner has prayed for



following reliefs:-

“I. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondents authorities to consider the case of the petitioner for her absorption or rehabilitation under State Government to serve the State according to her educational qualification as per the vacancies available, who has worked for more than three years continuously as Lok Shikshak under the non-formal education scheme of State Government, which has now been abolished/closed.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to take steps for absorption/ regularization of the petitioner under State Government to serve the State according to her educational qualification as per the vacancies available, who has worked for more than three years continuously as Lok Shikshak under the non-formal education scheme of State Government sympathetically, as in Sarv Shiksha Abhiyan, the Supervisor as well as non-formal instructors services have been absorbed.

III. For issuance of any other writ/writs, order/orders, direction/directions for which the petitioners would be entitled in the facts and circumstances of the present case.”

5. Aforesaid relief is not supported by any representation. For issuance of writ of mandamus, petitioner has



to establish legal/ statutory right followed by demand before the competent authority. The aforesaid ingredients are not forthcoming in the present petition. In the light of Apex Court’s decision rendered in the case of *Mani Subrat Jain V. State of Haryana & Ors.* reported in *A.I.R. 1977 SC 276*, present petition is not maintainable.

6. Accordingly, the present petition stands disposed of reserving liberty to the petitioner to submit a detailed representation along with judicial pronouncements, if any in support of petitioner’s grievance. If such representation is submitted within a period of eight weeks from the date of receipt of this order, the concerned respondent is hereby directed to decide the petitioner’s grievance at the earliest.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

