

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1897 of 2023

1. Govardhan Kumar Son of Rameshwar Mandal, Resident of village- Babupur, P.O. and P.S.- Sabour, District- Bhagalpur.
2. Sanjay Kumar Paswan Son of Ganesh Paswan, Resident of village- Gangarampur, Post - Mamalkha, P.S.- Sabour, District- Bhagalpur.
3. Rakesh Kumar Son of Late Sukraj Paswan, Resident of village and Post- Shankarpur (Khawas), P.S.- Sabour, District- Bhagalpur.
4. Rabindra Kumar Mandal Son of Sri Bajrangi Mandal, Resident of village- Arya Tola, P.O. and P.S.- Sabour, District- Bhagalpur.
5. Smt Pushpanjali Kumari Wife of Sri Pradip Kumar Mandal, Resident of village and Post- Mamalkha, P.S.- Sabour, District- Bhagalpur.
6. Punam Devi Wife of Sri Avadh Kishor Mandal, Resident of village- Arya Tola, P.O. and P.S.- Sabour, District- Bhagalpur.
7. Anil Kumar Yadav Son of Jhanak Pd. Yadav, Resident of village- English, Post - Farka, P.S.- Sabour, District- Bhagalpur.
8. Brahamdev Prasad Yadav Son of Late Kamleshwari Prasad Yadav, Resident of village- Sultanpur Bhatti, Post and P.S.- Sabour, District- Bhagalpur.
9. Priyanka Kumari Son of Late Kamleshwari Prasad Yadav, Resident of village- Sultanpur Bhatti, Post and P.S.- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Mass Education, Government of Bihar, Patna.
4. The District Magistrate, Bhagalpur, District- Bhagalpur.
5. The District Education Officer, Bhagalpur, District- Bhagalpur.
6. The District Education Officer (Literacy), District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the State : Mr. Sanjay Kumar, AC to GP- 23

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 27-06-2023

Heard learned counsel for the petitioner and learned
counsel for the State.



The writ petition has been filed with a prayer to consider the case of petitioners for regularisation, claiming regularisation on strength of the claim that they have been working as ‘*Prerak*’ and ‘*Senior Prerak*’ on contract basis since more than a decade.

No policy decision or provision has been relied upon to show that petitioners have any right to claim regularisation. The contract also does not contain any Clause that they are to be regularised.

This Court would also take into consideration the settled legal position based on decision of the Apex Court in the case of ***Secretary State of Karnataka & Ors. vs. Uma Devi & Ors.*** reported in ***(2006) 4 SCC 1***. The Apex Court has considered that when a person enters a temporary employment or gets engagement as a contractual or casual worker, he is aware of the consequences of the appointment being temporary, casual or contractual and mere continuance for more than a decade would not give rise to a vested right in favour of the petitioners to claim regularisation. It is also trite law that before a mandamus may issue to compel the authorities to do something, it must be shown that the authority is under a legal duty, for enforcement of which the aggrieved person has a legal right. In this



connection this Court would consider it apposite to refer to decision of the Hon’ble Apex Court in the case of ***Dr. Rai Shivendra Bahadur vs. The governing body of the Nalanda College, Bihar Sharif and Ors.*** reported in ***1962 SCR Supl. (2) 144: 1962 AIR SC 1210.***

Since the petitioners have not been able to make out any enforceable right, there is no occasion for this Court to exercise writ jurisdiction in favour of the petitioners.

The relief claimed in the writ petition, therefore, is misconceived and is, accordingly, dismissed.

(Madhuresh Prasad, J)

Raj kishore/-

AFR/NAFR	AFR
CAV DATE	N/A
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