

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21642 of 2011

=====

BHARTI DEVI D/O Ram Lakhan Mishra R/O Village- Mohiuddin Nagar,
P.S- Mohiuddin Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR through the Principal Secretary, Human Resources Development Department, New Secretariat Vikash Bhawan, Bailey Road, Patna, Bihar.
2. The Director, Primary And Elementary Education, Human Resources Development Department, New Secretariat Vikash Bhawan, Bailey Road, Patna, Bihar.
3. The Director Mass Education, Govt. Of Bihar, Patna.
4. The Commissioner, Darbhanga Division, Darbhanga.
5. District Superintendent Of Education Samastipur.
6. District Education Officer, Samastipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Anuj Kumar, AC to GP-24

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 23-02-2023 The petitioner has filed the writ application seeking a direction for his adjustment against a suitable post as has been done in the case of non-formal Supervisors. The petitioner was a non-formal instructor under the Non-formal Education Scheme, which Scheme concluded long decades back.

2. On 23.06.2016, the Court had passed the following order:-

"Learned counsel for the petitioner, in presence of learned AC to GP-22, submits that the point raised in the present writ petition is identical



to a case i.e. C.W.J.C.No.17033 of 2011 and other analogous cases. Accordingly, he makes a prayer for listing this case side by side of the aforesaid cases.

As prayed, list this case side by side of C.W.J.C.No. 17033 of 2011 and other connected writ petitions."

3. C.W.J.C. No. 17033 of 2011 has since been disposed of in the following terms:-

"The petitioners have prayed in the writ petitions to grant relief similar to the relief granted to Supervisors of Non-Formal Education. The petitioners were Instructors. A claim was made that earlier writ petitions filed by the supervisor(s) were allowed by a Bench of this Court. Since the cases of Supervisors and Instructors were on similar footing, at subsequent stage, Instructors also filed writ petitions for granting same relief, which was allowed by a Single Bench of this Court with a direction to grant the same relief. On appeal preferred by the Government of Bihar against the order of the Single Bench, the Division Bench did not interfere with the order of the Single Bench. However, the Division Bench modified the order of the Single Bench to the extent that the persons, who were functioning at least three years prior to the concerned date, only they were entitled to be considered. Again against the order of the Division Bench, an appeal was preferred by the Government



of Bihar, which has only been disposed of and dispute has now been set at rest by the Hon'ble Apex Court vide order dated 26.02.2016 passed in S.L.Ps which is as follows:

“We find no infirmity in the order impugned herein. The Special Leave Petitions are dismissed.

The relief granted by the High Court shall be restricted to those who approached the High Court who were heard as well as who wanted to get themselves impleaded and those who have filed applications here at par with those former as well as all those petitioner Instructors which are pending as on date before the High Court but shall not apply to any fresh case either here or before the High Court.

Pending applications, if any, stand disposed of.”

Learned counsel for the petitioners submits that after the order of the Hon'ble Apex Court, a Single Bench of this Court vide its order dated 31.03.2016 passed in C.W.J.C.No.18011 of 2014 directed to dispose of the matter with a direction to the Respondents to decide the claim of the petitioners of the said case in terms of the order of the Hon'ble Apex Court passed in S.L.A.(C) no.32079/2015.

Sri Shahi learned Addl. Advocate General



no.6 does not dispute the fact that the matter has now been set at rest.

Accordingly, in terms of the order of the Hon'ble Apex Court passed on 26.02.2016 in S.L.A. (C) 32079/2015, all the aforesaid writ petitions are disposed of with direction to the Respondents State to take decision in the matter in terms of the order of the Hon'ble Apex Court."

4. When the matter is called today, there is no representation on behalf of the petitioner.

5. Learned counsel for the State, however, submits that the decision, in C.W.J.C No. 17033 of 2011, may or may not enable the petitioner to claim adjustment, but only after consideration, in accordance with law.

6. Due to non-representation on behalf of the petitioner, application is dismissed for want of prosecution.

(Madhuresh Prasad, J)

SUMIT/-

U			
---	--	--	--

