

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9526 of 2017

1. Bihar State Dini Maqtab Union, Patna through its President Md. Faruque, Son of Md. Muruaza, Resident of Village- Madhura, Block P.S.- Kishanpur, District- Supaul. Presently C/o Md. Faizullah, Old Masjid, Samanpura, Raza Bazar, Patna- 14.
2. Shamim Haidar, S/o Md. Abbas Ansari, Resident of Village- Kyota- Patti, Block- Kishanpur, District- Supaul.
3. Md. Mohiuddin, Son of Md. Hanif Churihar, Resident of Village- Atalakha Belhi, Block- Triveniganj, District- Supaul.
4. Sakim, Son of Muddi, Resident of Village- Berdah, Block- Raghapur, District- Supaul.
5. Nikhat Ara, Son of Md. Alim, Resident of Village- ThathiBhawanipur, Block- Pipara, District- Supaul.
6. Md. Amiruddin, Son of Lal Mohammad, Resident of Village- Gangapatti, Block District- Supaul.
7. Md. Rafiq Alam, Son of Ahmad Ali, at Pathara, Block- Pipara, District- Supaul.
8. Md. Gulam Rabbani, Son of Md. Taslim, Resident of Village- Rajpur, Block- Kishanpur, District- Supaul.
9. Abdul Muniam, Son of Md. Masihur Rahman, Resident of Village- Islampur, Block- Pratapganj, District- Supaul.
10. Abdul Wahab, Son of Noor Mohammad, Resident of Village- Itawa, Block- Pratapganj, District- Supaul.
11. Md. Minutullah, Son of Md. Aarif, Resident of Village- Maheshpur, Block District - Supaul.
12. Md. Hasim, Son of Md. Usman, Resident of Village- Khunt, Block- Triveniganj, District- Supaul.
13. Pravez Alam, Son of Md. Iabeer Hussain, Resident of Village- Belokhari, Block- Triveniganj, District- Supaul.
14. Md. Jahangir, Son of Md. Ekraimul Haque, Resident of Village- Narpatt Patti, Block- Basantpur, District- Supaul.
15. Md. Nurullah Alam, Son of Md. Dilzam, Resident of Village- Jhilladumari, Block- Saraigardh, Police Station- Bhaptiyahi, District- Supaul.
16. Md. Mohibullah, Son of Md. Nasiruddin, Resident of Village- Chhithi, Block- Saraigardh, Police Station- Bhaptiyahi, District- Supaul.
17. Md. Firoz Alam, Son of Abdul Rasid, Resident of Village- Islampur, Block- Pratapganj, District- Supaul.
18. Md. Sajjad Alam, Son of Md. Enulhaque, Resident of Village- Maheshpur, Block District- Supaul.
19. Azaz Ahmed, Son of Abdul Rauf, Resident of Village- Madudabad, Block- Mohiuddin Nagar, District- Samastipur.
20. Abdul Qaiyum, Son of Abdul Haque, Resident of Village- Sortipatti-



Dabhari, District- Supaul.

21. Md. Ebrahim, Son of Md. Mofizur Rahman, Resident of Village- Chauhatta, Block- Kishanpur, District- Supaul.
22. Md. Jannat Hussain, Son of Md. Allauddin, Resident of Village- Sakhuwa, Block- Pipara, District- Supaul.
23. Md. Shauqat, Son of Abdul Hamid, Resident of Village- Radatpatti, Block District- Supaul.
24. Shamima Khatoon, Daughter of Md. Isha, Resident of Village- Kushara, P.S.- Basantpur, District- Supaul.
25. Anjum Ara, Daughter of Islamuddin, Resident of Village- Sitapur, Block- Basantpur, District- Supaul.
26. Hafiz Md. Ehsan, Son of Md. Noor Hasan, Resident of Village- Gopalpur, P.S.- Kalyanpur, District- Samastipur.
27. Md. Firoz, Son of Jamshed Ali, Resident of Village- Mahmaddipur, P.S.- Mohiuddinnagar, District- Samastipur.
28. Md. Alam Raj, Son of Md. Maskur, Resident of Village- Sarhad Bhairo, P.O.- Bochaha, P.S.- Mohiuddinnagar, District- Samastipur.
29. Md. Moiz, Son of Md. Azar, Resident of Village- Sarhad Bhairo, P.O.- Bahaha, P.S.- Mohiuddin Nagar, District- Samastipur.
30. Md. Shamim Ansari, Son of Md. Safiqur Rahman, Resident of Village- Tedhi Bazar, P.S. Mohiddinagar, District- Samastipur.
31. Md. Faizur Rahman, Son of Sahafiur Rahman, Resident of Village- Md. Nagar Shairhtola, P.S.- Mohiuddinnagar, District- Samastipur.
32. Md. Afjal Hasan S/o Md. Salim Ansari, Resident of Village- Nawada, P.S. Mohiuddinnagar, District- Samastipur.
33. Haidar Raja, S/o Md. Naimuddin, Resident of Village- Mohiuddin Nagar , P.S. Mohiuddinnagar, District- Samastipur.
34. Md. Sarfaroze Alam, S/o Sahabuddin, Resident of Village- Karim Nagar, P.S.- Mohiuddinnagar, District- Samastipur.
35. Md. NurulHoda, Son of Md. Raees, Resident of Village- Madudabad, P.S.- Mohiuddin Nagar, District- Samastipur.
36. Md. Ali, Son of Md. Mokim, Resident of Village- Madudabad, Md. Nagar, P.S.- Mohiuddin Nagar, District- Samastipur.
37. Md. Jiyauddin, Son of Md. Zahiruddin, Resident of Village- Siwasingpur, P.S.- Mohiuddin Nagar, District- Samastipur.
38. Md. Mujtaba Kamal, Son of Israil, Resident of Village- Kanhauli, P.S.- Mohiuddin Nagar, District- Samastipur.
39. Zarina Khatoon, Son of Md. Ismile, Resident of Village- Shivaisingpur, Dighsua, P.S.- Mohiuddin Nagar, District- Samastipur.
40. Md. Arman, Son of Sibten, Resident of Village- Madhopur Digharua, P.S.- Tajpur, District- Samastipur.
41. Sanjeeda Khatoon, D/o Md. Anwarul Haque, Resident of Village- Shahpur Baghauni, P.S.- Tajpur, District- Samastipur.



42. Sabina Orui, Son of Md. Imtiyaz, Resident of Village- Rajwa, P.S.- Tajpur, District- Samastipur.
43. Seema Shahin, Son of Abdul Kavi, Resident of Village- Rajwa, P.S.- Tajpur, District- Samastipur.
44. Md. Savil, Son of Md. Mohsin, Resident of Village- Ratwar, Block- Kalyanpur, District- Samastipur.
45. Afrozi Bano, Son of Azizur Rahman, Resident of Village- Shahpur Baghauni, P.S.- Tajpur, District- Samastipur.
46. Md. Shahjeb Azazi, Son of Md. Azar Ahmad, Resident of Village- Rajwa, Block- Tajpur, P.S.District- Samastipur.
47. Md. Mumtaj, Son of Md. Idrish, Resident of Village- Harpur Rewari, P.S.- Angarghat, District- Samastipur.
48. Nashawa Parween, Son of Md. Saheb, Resident of Village- Kashbe Aharwala Dargah, P.S.- Tajpur, District- Samastipur.
49. Nishar Ahmed Ansari, Son of Gayasuddin Ansari, Resident of Village- Gawhar Nawada Dargah, P.S. District- Samastipur.
50. Md. Intakhab Alam, Son of Md. Tahir, Resident of Village- Kalyanpur, P.S.- Kalyanpur, District- Samastipur.
51. Md. Iftakhar, Son of Md. Tahir, Resident of Village- Kalyanpur, P.S.- Kalyanpur, District- Samastipur.
52. Sabrana Khatoon, Wife of Md. Salam, Resident of Village- Mahabalipur, Kalyanpur, District- Samastipur.
53. Kulsoom Zulekha Nusarat, D/o Sabbir Ahmad, Resident of Village- Bherukhara, P.S.- Tajpur, District- Samastipur.
54. Maheroo, W/o Md. Mahtab Alam, Resident of Village- Madhopur Digharua, P.S.- Tajpur, District- Samastipur.
55. Fahmida Bano, D/o Zuber Ahmed, Resident of Village- Kasb Ahar, P.S.- Tajpur, District- Samastipur.
56. Md. Mahtab Alam, Son of Late Md. Phool Hussan, Resident of Village- Madhopur Digharua, P.S.- Tajpur, District- Samastipur.
57. Md. Hizbullah, Son of Afaque, Resident of Village- Maniar Margangpar, P.S. Mohiuddin Nagar, District- Samastipur.
58. Md. Mozibur Rahman, Son of Md. Yasin, Resident of Village- Maltishekh Toili, P.S.- Ujiarpur, District- Samastipur.
59. Md. Kamrul Hoda Kamal, Son of Md. Sajjak, Resident of Village- Sukhpur, P.S.- Warish Nagar, District- Samastipur.
60. Md. Jaki Ahmad, Son of Md. Israil, Resident of Village- Jatmalpur, P.S.- Kalyanpur, District- Samastipur.
61. Abdul Waheb, Son of Md. Israfil, Resident of Village- Sarhad Bhero, Block- Mohiuddin Nagar, District- Samastipur.
62. Md. Anzarul, Son of Md. Islam, Resident of Village- Sarmar, P.O.- Jagdish Paran, P.S.- Chakmaisi, P.S.- Tajpur, District- Samastipur.
63. Md. Anwar, Son of Md. Islam, Resident of Village- Sormar, P.O.-



Jagdishparan, P.S.- Chakmaiti, District- Samastipur.

64. Md. Azmat, Son of Md. Israil, Resident of Village- Kasbe Ahar, P.S.- Tajpur, District- Samastipur.
65. Md. Shamsher, Son of Md. Jahid, Resident of Village- Kasbe Ahar, P.S.- Tajpur, District- Samastipur.
66. Md. Anwar Ahmed, Son of Md. Monazir Hussain, Resident of Village- Sahpur, Baghami, P.S.- Tajpur, District- Samastipur.
67. Md. Mohisin, Son of Muslim, Resident of Village- Kasbe Ahar, P.S.- Tajpur, District- Samastipur.
68. Nazmin Bano, Wife of Md. Asraf, Resident of Village- Kasbe Ahar, P.S.- Tajpur, District- Samastipur.
69. Md. Nausad Alam, Son of Md. Sayad, Resident of Village- Kasbe Ahar, P.S.- Tajpur, District- Samastipur.
70. Md. Munatjir, Son of Md. Ibrahim, Resident of Village- Muragiachak, P.S.- Wangara, District- Samastipur.
71. Md. Aabid Hussain, Son of Md. Taslim, Resident of Village Post- Tajpur.
72. Md. Anwar Ahmed Rahmani, Son of Md. Mohiuddin Ansari, Resident of Village- Gonhar Nawada, P.S. District- Samastipur.
73. Gulam Sarwar Alam, Son of Ahmed Hussain, Resident of Village- Bahadurganj, P.S.- Warisnagar, District- Samastipur.
74. Md. Badrun Islam, Son of Abdul Wahid, Resident of Village- Madhopur, P.S.- Satanpur, District- Samastipur.
75. Md. Shamsad, Son of Noor Mohammad, Resident of Village- Mahabalipur, P.S.- Kalyanpur, District- Samastipur.
76. Motiur Rahman, Son of Abdul Gafur, Resident of Village- Kasbe Ahar, P.S.- Tajpur, District- Samastipur.
77. Md. Naushad Ali, Son of Israfil Hussain, Resident of Village- Sarhad Bhero, Block- Mohiuddin Nagar, District- Samastipur.
78. Sanjida Khatoon, Son of Md. Jahur Alam, Resident of Village- Lalpur Got, Block- Basantpur, District- Supaul.
79. Sahen Parvin, Son of Md. Yujus, At Post- Simrahi, District- Supaul.
80. Md. Rahim Ansari, Son of Abdul Rahman, Resident of Village- Kor Sukhanagar, Block- Pratapganj, District- Supaul.
81. Md. Ziaur Rahman, Son of Hasamuddin, Resident of Village- Madhopur, Block- Chhatapur, District- Supaul.
82. Md. Shafiq, Son of Md. Zabbar, Resident of Village- Kariodih Tola, P.S. District- Supaul.

... .. Petitioners

Versus

1. The State Of Bihar, through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.



3. The Director, Department of Education, Government of Bihar, Patna.
4. The Director Mass Education Cum Joint Secretary, Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Anil Kumar Jha, Sr. Advocate
Mr.Prafull Chandra Thakur, Advocate
For the Respondent/s : Mr.S.K. Ranjan, AC to GP-17

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-09-2023 Heard Mr. Anil Kumar Jha, learned Senior Counsel assisted by Mr. Prafull Chandra Thakur, learned counsel for the petitioners and Mr. S. K. Ranjan, learned AC to GP-17 for the State.

2. The present writ application has been filed for issuance of a Writ in the nature of Mandamus directing the respondents to absorb the petitioners on the post of Talimi Markarj (Education Volunteers) who were working on the post of Dini Maqtab (Education Volunteers).

3. The one of the grounds pleaded to strengthen the case of the petitioners is that the State Government had in past decided to the absorb the Siksha Mitra and the non-formal Education Supervisors/ Instructors who are also the Education Volunteers.

4. In the writ application, the petitioners state that they had been working under the Sarva Siksha Abhiyan Scheme which was a Central Government sponsored Scheme with effect



from the year 2000-2001 with an object to provide literacy to illiterate children in the age group of 5-14 years.

5. It is their case that the Government of Bihar had also taken a policy decision to engage Dini Maqtab for the State of Bihar with an object that the children of the minority class would get an opportunity of getting the elementary level of the education.

6. From the statements made in the writ application it further appears that the petitioners were engaged on honorarium basis which was fixed at Rs. 1000/- with effect from 01.04.2007 and the same was increased to Rs. 3000/- later on. Initially the scheme was launched as Madarsa Maqtab whereafter the name was changed as Maqtab Madarsa in the year 2007 and then it was changed to Dini Maqtab in the year 2008. In Paragraph '13' of the writ application there is a statement that in the year 2009 the services of the petitioners were terminated and new appointment was made which is against the provision/ object of the Scheme.

7. In the aforementioned background, the petitioners are seeking a direction to absorb them on the Group 'D' post in the government service.

8. A counter affidavit has been filed on behalf of the



State. The State respondents have taken a preliminary objection on the ground of delay and laches on the part of the petitioners in approaching this Court as according to them the petitioners have claimed to have worked till the year 2009 and their engagement was terminated in the year 2009 itself, have approached this Court after 9 years seeking regularization of their service.

9. The Respondents have also stated that the Scheme with which the petitioners were associated has already come to an end in the year 2012 itself. So far as the new Scheme launched by the State Government namely Mahadalit, Ulpsankhyak and Atipichara Varg Akshar Anchal Yojna is concerned, the benefits of the same are extended to the target group and under the said scheme two types of centers are opened namely Tola centers for Mahadalit and Atipichra Varg and Talimi Markaz center for minorities and these centers are being operated as per the new Scheme. Respondents have also distinguished the case of the petitioners with Siksha Mitra and non-formal education Supervisors/ Instructors.

10. The Respondents have further stated that the State Government has promulgated recruitment and service condition rules for the Group 'D' posts in the year 2009 which is known as



Bihar Group 'D' (Recruitment & Service Conditions) Rules, 2009 (hereinafter referred to as the 'Service Rules') which has been published on 29.03.2010. Now all appointments on Group 'D' posts are to be done by inviting advertisements and by following the procedures laid down in the Rules.

11. Thus, the stand of the respondents is that any step for regularization of these petitioners after all these years against any Group 'D' post would not be possible as it would amount to a back door entry in the eye of law.

12. Having heard learned counsel for the petitioners and learned counsel for the State, this Court finds force in the stand taken on behalf of the State in its counter affidavit. Admittedly, the engagement of the petitioners was terminated in the year 2009 itself and thereafter the Scheme under which they were working has come to an end in the year 2012.

13. At this stage, it appears that the writ application is wholly misconceived. The reliefs prayed in the writ application are not fit to be allowed.

14. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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