

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3795 of 2018

1. Madhav Prasad Yadav Son of late Sifat Lal Yadav Resident of Village- Keotta Patty, Police Station- Kishanpur, District- Supaul.
2. Kishore Kumar Son of Sri Bholan Yadav Resident of Village- Sukhasan, Police Station- Kishanpur, District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Commissioner-cum-Secretary, Department of Education, Govt. of Bihar, Patna.
4. The Director, Mass Education Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.
For the Respondent/s : Mr. Prabhakar Jha- GP27

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 28-11-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ petition has been filed for directing the respondents to absorb the petitioners on the post of Class-III under the respondents State as the petitioners are Ex-instructors of adult and non-formal education.

3. Learned counsel for the petitioners submits that the case of other similarly situated persons have been considered by the State and those orders were affirmed by Hon'ble Supreme Court.

4. Counsel for the State submits that it is true that



absorption has been made by the State, but it has been made in compliance of order dated 26.02.2016 passed by Hon'ble Apex Court in S.L.P. No. 32079 of 2015.

5. Counsel for the State further submits that in the said order, Hon'ble Apex Court has categorical absorb that after disposal no further matter would be taken for consideration by the Hon'ble High Court or by the Hon'ble Apex Court itself.

6. In response, counsel for the petitioners submits that the case of similarly situated persons have been considered by this Hon'ble Court vide order dated 11.09.2017 passed in C.W.J.C. No. 64 of 2017, and therefore, his case may also be considered.

7. Counsel for the State further submits that Clause 4(C) of the Bihar State Litigation Policy, 2011 as framed by the State that similarly situated persons should be treated similarly. Counsel also submits that the case of some of the petitioners who were party to C.W.J.C. No. 64 of 2017 have been considered by the State.

8. In the light of submissions made, this Court permits the petitioners to avail remedy under Clause 4(C) of the Bihar State Litigation Policy, 2011 by way of filing representation before the State and State is directed to take decision in the light



of Bihar State Litigation Policy, 2011 within 3 months from the date of filing representation.

9. With the aforesaid direction, the present writ application is hereby disposed of.

(Dr. Anshuman, J.)

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