

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11541 of 2014

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1. Shyam Prasad Singh Son of late Saryug Singh, Resident of Village- Lakhachak, P.O. Tetrawan, P.S.- Giriak, District- Nalanda
 2. Girjarabidas, Son of Tetar Ravidas, Resident of village- Gopalganj, P.O. Kansari, P.S.- Gaurichak, District- Patna
 3. Yogendra Paswan, son of Laxmi Paswan, Resident of Village- Nanda Chak, P.O. Jaitia, P.S. Fatuha, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Principal Secretary, Department of General Administration, Bihar, Patna
4. The Director, Mass Education, Government of Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Sanjay Parasmani, AC to GP4

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 7 05-12-2023 1. Heard learned counsel for the petitioners and
learned counsel for the respondents.
2. The petitioners filed the instant application for the
following reliefs:-

“a. For issuance of an appropriate writ in the nature of mandamus commanding the respondents for absorption of the petitioners on Class-III and IV posts under the State Government, as they are the ex-instructors in the Adult and Non-formal Education.

b. For issuance of an appropriate Writ in the nature of Mandamus commanding the Respondents to absorb the petitioners in regular Government service as per their qualification and eligibility, as



they being the instructors have been thrown out on account of closure of the Programme.

c. For issuance of an appropriate writ for directing the respondents to give similar treatment in absorption of the petitioners on the post for which they are eligible in the same line, in which the respondents have taken a decision to absorb the Supervisors under the same Programme in the service against regular Class-III posts.

d. For issuance of an appropriate writ holding the denial of absorption of the petitioners in regular Government service to be wholly discriminatory in view of the fact that the Supervisors employed under the same scheme have been absorbed in regular Government Service on Class-III posts.

e. For issuance of any other order/orders or relief/reliefs for which the Petitioners may found to be entitled in the facts and circumstances of the case.”

3. A supplementary counter affidavit on behalf of respondent no. 4, copy of which has been served on learned counsel for the petitioners, has been filed in Court today and the same is taken on record.

4. Learned counsel for the petitioners fairly submits that in view of the statement made in paragraph no. 7 of the supplementary counter affidavit of respondent no. 4, as the petitioners do not fulfill the condition, they do not have any case. In that view of the matter, the petitioner does not press the instant application.

5. For ready reference paragraph no. 7 of the



supplementary counter affidavit of the respondent no. 4 is reproduced hereinbelow:-

“7.That it is humbly stated that inter alia two conditions for regularization /appointment has been fixed, (i) that the concerned Instructors (by name) must have moved either the Hon'ble High Court at Patna or before the Hon'ble Supreme Court of India on or before 26.02.2016, (ii) that they must have worked for at least 3 years continuously before the abolition of the scheme.

The condition no. (i) has been fixed as per the direction contained in order dated 26.02.2016 passed in S.L.P., (Civil) 32079 of 2015, passed by Hon'ble Apex Court whereas the second condition has been fixed vide order dated 11.08.2015 passed in L.P.A. No. 1489 of 2011 (The State of Bihar & Ors. Vs Sheo Bhajan Prasad Diwakar & Ors.) by this Hon'ble Court.

A photocopy of the order dated 26.02.2016 and order dated 11.08.2015 are being annexed herewith and marked as Annexure- R-4/2 Series to this supplementary counter affidavit.”

6. In view of the facts and circumstances stated hereinabove, the application stands disposed of as not pressed.

(Partha Sarthy, J)

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