

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.146 of 2019

1. Md. Hasibuddin Son of Abdul Karim, Resident of VillagePost Office-Matiyari, Police Station- Jokihat, District- Araria.
2. Bibi Sajrin, Wife of Md. Mahtab Resident of Village- Barhawa, Post Office-Matiyari, Police Station- Jokihat, District- Araria.
3. Prem Lata Devi, Wife of Om Prakash Manjhi, Resident of VillagePost Office- Bagnagar, Police Station- Mahalgaon, District- Araria.
4. Md. Arshad Noori, Son of Noorul Bashar, Resident of Village- Farsadangi, Post Office- Bagdhara, Police Station- Jokihat, District- Araria.
5. Rubi Devi, Wife of Gayanand Rajak, Resident of Village- Bageshwari, Post Office- Gairki Masuria, Police Station- Jokihat, District- Araria.
6. Ganesh Prasad Sah, Son of Sitaram Sah, Resident of Village- Darshana, Post OfficePolice Station- Jokihat, District- Araria.
7. Md. Qumruzzama, Son of Md. Mojeebur Rahman, Resident of Village-Bhagwanpur, Post Office- Araria Basti, Police Station- Jokihat, District- Araria.
8. Bibi Shabana Perween, Daughter of Md. Ishaque, Resident of Village-Bhagwanpur, Post Office- Araria Basti, Police Station- Jokihat, District- Araria.
9. Bibi Rahima Khatoon, Wife of Md. Aminuddin, Resident of VillagePost Office- Chirah, Police Station- Mahalgaon, District- Araria.
10. Md. Azimuddin, Son of Md. Ahmad, Resident of VillagePost Office-Chakai, Police Station- Jokihat, District- Araria.
11. Sundari Devi, Wife of Gunadhar Biswash, Resident of VillagePost Office-Chakai, Police Station- Jokihat, District- Araria.
12. Tasnim Kausar, Wife of Izhar Alam, Resident of Village- Hardar Tola Rani, Post Office- Pathrabari, Police Station- Jokihat, District- Araria.
13. Md. Nasimuddin, Son of S.K. Wazuddin, Resident of VillagePost Office-Chaukta, Police Station- Mahalgaon, District- Araria.
14. Nurunnihar, Son of Aklim, Resident of Village- Kelabari, Post Office-Machaila, Police Station- Mahalgaon, District- Araria.
15. Prema Devi, Wife of Gainlal Ram, Resident of VillagePost Office- Kakan, Police Station- Jokihat, District- Araria.
16. Bibi Rehana Khatoon, Wife of Ishtiyaque Ahmad, Resident of VillagePost Office- Bhuna, Police Station- Mahalgaon, District- Araria.
17. Munindra Kumar Sharma, Son of Nand Kishor Sharma, Resident of Village-Bhuna, Police Station- Mahalgaon, District- Araria.
18. Sunita Devi, Wife of Sunil Kumar Biswash, Resident of Village- Baigna, Post Office- Chokta, Police Station- Mahalgaon, District- Araria.
19. Om Prakash Mandal, Son of Surat Lal Mandal, Resident of Village-Purandaha, Post Office- Bara Istambrar, Police Station- Jokihat, District- Araria.



20. Bibi Rubi, Wife of Md. Tanweer Alam, Resident of VillagePost Office- Bara Istambrar, Police Station- Jokihat, District- Araria.
21. Md. Saquib, Son of Late Md. Izhar, Resident of Village- Dhangama, Post Office- Chirah, Police Station- Mahalgaon, District- Araria.
22. Md. Wasiquir Rahman, Son of Sk. Alauddin, Resident of Village- Domaria, Post Office- P.T. Domaria, Police Station- Mahagaon, District- Araria.
23. Rekha Devi, Wife of Manoj Kumar Sah, Resident of Village- Domaria, Post Office- P.T. Domaria, Police Station- Mahalgaon, District- Araria.
24. Md. Rahber Hussain, Son of Azhar Hussain, Resident of VillagePost OfficePolice Station- Mahalgaon, District- Araria.
25. Rahnuma Begam, Wife of Md. Izhar Alam, Resident of VillagePost Office- Kesarra, Police Station- Jokihat, District- Araria.
26. Sailendra Kumar Das, Son of Vijendra Lal Das, Resident of VillagePost Office- Jahanpur, Police Station- Jokihat, District- Araria.
27. Tariq Masum, Son of Gulam Murtaza, Resident of Village- Balwa, Post Office- Kursail, Police Station- Mahalgaon, District- Araria.
28. Puja Kumari, Wife of Arjun Thakur, Resident of Village- Balwa, Post Office- Kursail, Police Station- Mahalgaon, District- Araria.
29. Bibi Avtara Begam, Wife of Md. Arshad Alam, Resident of Village- Rani Istambrar, Post Office- Patharabari, Police Station- Jokihat, District- Araria.
30. Jooli Kumari, Daughter of Kapildev Prasad Gupta, Resident of Village- Thengapur, Post OfficePost Station- Jokihar, District- Araria.
31. Dilip Mallik Yogeshwar Mallik Resident of Village- Thengapur, Post Office and Police Station- Jokihat, District- Araria
32. Bipin Paswan Laxman Paswan Resident of Village- Majgama, Post Office- Gaiyari, Police Station- Araria, District- Araria
33. Kumari Champa Ashok Kumar Bihari Resident of Village- Diyari, Police Station and District- Araria
34. Md. Aslam S.K. Salimuddin Resident of Village- Budheshari Rampur, Police Station and District- Araria
35. Sadanand Mandal Ramdhan Mandal Resident of Village- Gargaddi, Police Station and District- Araria
36. Md. Mushfique Moin Resident of Village- Bochi, Police Station- Tarawari, District- Araria
37. Bibi Shabista Khatun Md. Jumman Ali Resident of Village- Ram Basbari, Police Station and District- Araria
38. Bibi Sahnaj Khatun Alamkhtur Resident of Village- Bangama, Police Station and District- Araria
39. Rajesh Kumar Rishidev Girja Nand Rishidev Resident of Village- Bangama, Police Station and District- Araria
40. Binod Kumar Singh Achchelal Singh Resident of Village- Amgachi, Police Station- Madanpur, District- Araria
41. Sunita Devi Ashok Kumar Ray Resident of Village- Ararwari, Police



Station- Tarawari, District- Araria

42. Md. Mahezama Md. Mashi Ahmad Resident of Village- Debariya, Police Station and District- Araria
43. Sawita Kumari Ashok Pashwan Resident of Village- Dimihyah, Police Station- Tarawari, District- Araria
44. Manoj Kumar Pashwan Bashudev Pashwan Resident of Village- Chater, Police Station and District- Araria
45. Ashok Kumar Mandal Ganesh Lal Mandal Resident of Village- Rampur Kodarktti, Police Station and District- Araria
46. Susheel Kumar Yadav Raghunandan Yadav Resident of Village- Mahishakol, Police Station and District- Araria
47. Md. Nasireza Raghunandan Yadav Resident of Village- Rampur Mohanpur West, Police Station and District- Araria
48. Chandani Devi Raje Ranjan Resident of Village- Chikni, Police Station and District- Araria
49. Guljahan Bagam Md. Ishtiaque Resident of Village- Safipur Gaira, Police Station and District- Araria
50. Musfera Khatun Md. Kasim Resident of Village- Chatar, Police Station and District- Araria
51. Ajad Alam Md. Thiyab Resident of Village- Baturwari, Police Station- Tarawari, District- Araria
52. Nosaba Saiyad Alam Resident of Village- Budheswari Rampur Mohanpur East, Police Station and District- Araria
53. Kamal Kishor Yadav Dhan Lal Yadav Resident of Village- Ram Nagar, Police Station- Palasi, District- Araria
54. Bibi Nagama Khatun Md. Shamim Akhatar Resident of Village- Gyaspur, Police Station- Palasi, District- Araria
55. Md. Nur Alam Shamsuddin Resident of Village- Thaki, Police Station- Palasi, District- Araria
56. Anita Devi Anil Kumar Mandal Resident of Village- Bhadona, Police Station- Palasi, District- Araria
57. Arvind Kumar Yadav Jageshwar Yadav Resident of Village- Bihari, Police Station- Palasi, District- Araria
58. Khushbu Devi Ajay Kumar Sah Resident of Village- Sonakandar, Police Station- Palasi, District- Araria
59. Prabhash Kumar Mandal Nageshwar Mandal Resident of Village- Chhapania, Police Station- Palasi, District- Araria
60. Jayanti Devi Jaychand Mandal Resident of Village- Chhapania, Police Station- Palasi, District- Araria
61. Sangita Devi Arun Kumar Jha Resident of Village- Gopal Nagar, Police Station- Palasi, District- Araria
62. Md. Taha Anwar Sufar Ali Resident of Village- Mohania, Police Station- Palasi, District- Araria



63. Buddhi Nath Manjhi Prem Lal Manjhi Resident of Village- Kankhudia, Police Station- Palasi, District- Araria
64. Md. Naimuddin Abdul Hamid Resident of Village- Kujri, Police Station- Palasi, District- Araria
65. Bibi Sahjadi Parween Md. Umar Faruk Resident of Village- Kujri, Police Station- Palasi, District- Araria
66. Sudama Prasad Mandal Shaltu Resident of Village- Bhattabari, Police Station- Palasi, District- Araria
67. Kunti Devi Soti Lal Resident of Village- Bhattabari, Police Station- Palasi, District- Araria
68. Lalita Kumari Panchanand Mandal Resident of Village- Kamat Tola Durgapur, Police Station- Palasi, District- Araria
69. Ujjawal Kumar Suresh Mandal Resident of Village- Rarabari, Police Station and District- Araria
70. Rekha Devi Vidyanand Jha Resident of Village- Dabhra, Police Station- Tarabari, District- Araria
71. Premlata Devi Vidyanand Jha Resident of Village- Jamua, Police Station- Tarabari, District- Araria
72. Birendra Mishra Arjun Mishra Resident of Village- Jamua, Police Station- Tarabari, District- Araria

... .. Petitioner/s

Versus

1. The Union Of India through Joint Secretary-cum-Director-in-Chief National Literacy Mission Authority, Human Resources Development Department, School Education and Literacy Department, Shastri Bhawan, New Delhi
2. The Joint Secretary-cum-Director-in-Chief, National Literacy Mission Authority, Human Resources Development Department, School Education and Literacy Department, Shastri Bhawan, New Delhi
3. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
4. The Principal Secretary, Education Department, Government of Bihar, Patna
5. The Director, Mass Education, Education Department, Government of Bihar, Patna
6. The Joint Director, Mass Education, Education Department, Government of Bihar, Patna
7. The Director (Administration), Education Department, Government of Bihar, Patna
8. The Deputy Director (Administration), Education Department, Government of Bihar, Patna
9. The District Education Officer, Araria
10. The District Programme Officer, Araria

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Diwakar Yadav, Adv.
For the State : Mr.Madanjeet Kumar, GP-20

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

- 3 31-01-2023
1. The petitioners were working under a Scheme namely Bharat Literacy Programme, which was initiated by the Government of India. They were appointed as Preraks.
 2. Petition has been filed assailing the action of the State Government in dispensing with their services on account of the Government of India action of closing the scheme w.e.f. 31.03.2018.
 3. Learned counsel for the petitioners submits that, if any new Scheme is initiated, the petitioners should be given priority.
 4. Learned counsel further submits that the honorarium for the period during which the petitioners have worked under the Scheme should be also released.
 5. Counter affidavit has been filed and it has been stated that due honorarium to each and every petitioners have already been released. The payment has been released to be disbursed by the respective District Education Officer.
 6. Having noticed aforesaid, it is directed that the concerned District Education Officer shall release the amount to



the petitioners, who were working as Preraks.

7. As regards, the right of priority in any new Scheme is concerned, the **Apex Court in 2009 (6) SCC 611 (Mohd. Abdul Kadir & Anr. Vs. Director General of Police Assam & Ors.)** has held as under:-

“ 13. The fact that the appellants were employed under the PIF Additional Scheme is not disputed. The duration of the PIF Additional Scheme under which they are employed was initially two years, to be reviewed for continuation along with the original PIF Scheme. The said Scheme is being extended from time to time and is being continued. If the temporary or ad hoc engagement or appointment is in connection with a particular project or a specific scheme, the ad hoc or temporary service of the persons employed under the project or scheme would come to an end, on completion/closure/cessation of the project or the scheme.

14. The fact that the Scheme had been in operation for some decades or that the employee concerned has continued on ad hoc basis for one or two decades would not entitle the employee to seek permanency or regularisation. Even if any posts are sanctioned with reference to the Scheme, such sanction is of ad hoc or temporary posts coterminous with the Scheme and not of permanent posts.

15. On completion of the project



or discontinuance of the scheme, those who were engaged with reference to or in connection with such project or scheme cannot claim any right to continue in service, nor seek regularisation in some other project or service. [See Bhagwan Dass v. State of Haryana [(1987) 4 SCC 634 : 1988 SCC (L&S) 24 : (1987) 5 ATC 136] , Delhi Development Horticulture Employees' Union v. Delhi Admn. [(1992) 4 SCC 99 : 1992 SCC (L&S) 805 : (1992) 21 ATC 386] , Hindustan Steel Works Construction Ltd. v. Employees' Union [(1995) 3 SCC 474 : 1995 SCC (L&S) 702 : (1995) 29 ATC 592] , U.P. Land Development Corpn. v. Amar Singh [(2003) 5 SCC 388 : 2003 SCC (L&S) 690] , Madhyamik Shiksha Parishad, U.P. v. Anil Kumar Mishra [(2005) 5 SCC 122 : 2005 SCC (L&S) 628] , State of Karnataka v. Umadevi (3) [(2006) 4 SCC 1 : 2006 SCC (L&S) 753] , Indian Council of Medical Research v. K. Rajyalakshmi [(2007) 2 SCC 332 : (2007) 1 SCC (L&S) 627] and Lal Mohammad v. Indian Railway Construction Co. Ltd. [(2007) 2 SCC 513 : (2007) 1 SCC (L&S) 725]] In view of this settled position, the appellants will not be entitled to regularisation.”

8. It was observed that on closure of one Scheme and initiating of a similar Scheme by the Government Authorities, the persons who have been employed under the earlier Scheme



have no right to be appointed in the new Scheme with the new nomenclature.

9. However, admittedly in the present case after 2018, no new Scheme of similar nature has been initiated either by the Government of India or by the State Government.

10. In view thereof, now no directions can be issued for their appointment. However, they will be always free to claim their experience in any new Scheme, which may be initiated at any level.

11. With the said observations, the writ petition is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 11

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