

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.388 of 2023

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1. Anjali Kumari wife of Kapildeo Mahto and D/o Munna Lal Ram, Resident of Village- Bari Khanjarpur, Police Station- Barari, District- Bhagalpur.
 2. Kumud Kumari, wife of Maheshwari Prasad Jaiswal, Resident of Village- Daulatpur, Police Station- Pirpaiti, District- Bhagalpur.
 3. Rajeev Ranjan Arya Son of Murlidhar, Resident of Village- Ratanganj, Police Station- Sajore, District- Bhagalpur.
 4. Vinay Kumar Sinha, Son of Sudhir Prasad Ram, Resident of Village- Simanpur, P.S.- Pirpaiti, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Mass Education, Department of Education, Government of Bihar, Patna.
4. The District Education Officer, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Respondent/s	:	Mr.Jitendra Kumar Roy, SC-13 Mr. Bijay Bhushan Prasad, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-03-2023 Petitioners in the present case are seeking the following reliefs:-

“1. That this is an application for issuance of writ of Mandamus or any other appropriate writ(s) order(s) direction(s) to adjust the petitioners against class III post taking into consideration of their higher academic qualification and consequently re-adjust his pay scale prescribed for class III post and further the petitioners pray for issuance of a direction to the



respondent authorities to give all consequential benefits after readjustment/reappointment of the petitioners against class III post and/or for issuance of such order(s) \ direction(s) for which he may be found legally entitled to in the facts and circumstances of the case as stated hereinafter;”

On perusal of the writ application it appears that the petitioners claim that they were earlier working as Non-formal Instructor. In paragraph ‘8’ of the writ application, it is stated that the petitioners have been adjusted against Class-IV post (Group-D Post) as per the policy decision of the State Government. The claim of the petitioners is that they are having higher qualification than that of prescribed qualification for Group-D post, therefore, the respondent authorities were obliged to adjust them against class III post in lieu of Class IV post. The petitioners, however, submit that to earn their livelihood they had no option but to join against class IV post.

Learned counsel for the State submits that from the statements made in the writ application itself, it would appear that the petitioners have been adjusted under a scheme. They have already been appointed under the scheme and having a higher qualification is no ground to submit that the petitioners may be adjusted against Class III post.



This Court finds substance in the submission of learned counsel for the State. The petitioners having been adjusted under a scheme of the government in order to provide them an employment, at this stage, cannot claim any right to a Class III post on the ground that they are having higher qualification than what is prescribed for Class IV post.

This writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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