

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7487 of 2019

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1. Manoj Kumar Mandal, S/o Keshav Mandal, Resident at - Sharkanda, P.s.- Pirpainty, Distt.- Bhagalpur
 2. Sunita Kumari @ Suneeta Kumari, W/o Manoj Kumar Mandal, D/o Biren Prasad Mandal, Vill.- Kushmaha, P.o.- Ahiro, P.s.- Dhoraiya, Distt.- Banka

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
2. The Principal Secretary General Administration Department, Govt. of Bihar, Patna
3. The Director Primary Education, Govt. of Bihar, Patna
4. The Director Mass Education, Govt. of Bihar, Patna
5. District Magistrate Bhagalpur
6. District Mass Education Officer Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Nath Jha, Advocate
For the Respondent/s : Mr. Hitesh Suman, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 23-09-2024 Heard Learned Counsel for the Petitioners and
Learned Counsel for the State.

2. The present Writ Petition has been filed for a
direction to absorb the petitioners on Class-III or Class-IV post.

3. Learned Counsel for the petitioners submits that the
petitioners are ex-Instructors of Non-Formal Education
Directorate, Bihar and they are entitled to absorption in the light
of the decision made by the Hon'ble Supreme Court on
26.02.2016 passed in SLP (C) No. 32079/2015. Learned



Counsel further submits that the petitioner has filed the present Writ Petition prior to the cut-off date i.e.26-02-2016but his case number could not be listed and at the level of Token No. 68095/2013 and TokenNo. 35916 of 2014 and then both the cases were tagged and no further development took place in those cases. He further submits that the relief may be granted to him in the present Writ Petition considering that the Token Number was already provided to them for filing of the cases.

4. Learned Counsel for the State submits that in the cases mentioned by the petitioners CWJC Number has not been provided to the petitioners due to the reason that according to the then Rule, any defect which has not been removed within a fixed period of time, the petition shall automatically get infructuous. Here in the present case, the petitioner instead of pursuing his case, filed in the year 2013-14, has filed a fresh Writ Petition and in the opinion of this Court, such Writ Petition is not maintainable. As such, it is dismissed.

(Dr. Anshuman, J)

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