

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18722 of 2015

1. Raghunandan Prasad and Ors son of Bankey Prasad Yadav Village, P.O. and P.S. - Sabour, District - Bhagalpur.
2. Nokhe Lal Pandit son of Mahabir Pandit resident of village - Kuepat, P.O. Parghadi, District - Bhagalpur
3. Rabindra Pandit son of Tribhuwan Pandit resident of village - Goradih, P.O. Nadiyama, District - Bhagalpur.
4. Shrikant Mandal son of Ramcharitar Mandal village P.O. Rajandipur, District - Bhagalpur.
5. Shashi Kumar son of Nageshwar Tatba village and P.O. Goradih, District - Bhagalpur.
6. Bishnudeo Mandal son of Chhotelal Mandal village - Mamlakha, P.S. Sabour, District - Bhagalpur.
7. Manoj Kumar son of Chhagali Mandal village - Kalikapur, P.S. Nadiyama, District - Bhagalpur.
8. Subhash Prasad Singh son of Basant Prasad Singh village - Maheshpur, P.O. Parghari, District - Bhagalpur.
9. Gorelal Mandal son of Hari Mandal village and P.O. - Mamlakha, District - Bhagalpur.
10. Chandrajit Singh son of Yamuna Prasad Singh resident of village - Kalikapur, P.O. - Nadiyama, District - Bhagalpur.
11. Mahendra Prasad Mandal son of Sukhraj Mandal village - Masaru, P.O. Malakha, District - Bhagalpur.
12. Naresh Prasad Mandal son of Nageshwar Mandal Village - Ramnagar, P.S. - Sabour, District - Bhagalpur.
13. Gajadhar Prasad Sah son of Sudama Sah village - Tajepur, P.O. Jagdishpur, District - Bhagalpur.
14. Sikandar Kumar son of Etwari Sah village Tajepur, P.S. Jagdishpur, District - Bhagalpur.
15. Rajesh Prasad Sah son of Sakhichand Sah village - Saidhpar, P.O. Chandpur, District - Bhagalpur.
16. Shabnam Kumari wife of Ashok Kumar Arvind village P.O. Baluchak, District - Bhagalpur.
17. Mira Kumari son of Parmeshwar Sah resident of village Tejpur, P.O. Chandpur, District - Bhagalpur.
18. Lalan Kumar son of Mohan Poddar resident of village and P.O. - Amarpur, District - Banka.
19. Binod Kumar Jha son of Shiv Shankar Jha resident of village - Saidpur, P.O. Chandpur, District - Bhagalpur.
20. Raj Mani Madhukar son of Bishnu Kumar Mandal resident of village - Dildarpur, P.O. Champa Nagar, District - Bhagalpur.



21. Umesh Mandal son of Sukdeo Mandal resident of Ghigya, P.O. - Prast Dih, District - Bhagalpur.
22. Sunil Kumar son of Ramchandra Prasad resident of village - Tilkamanjhi Bhatta Road, P.O. Tilkamanjhi, District Bhagalpur.
23. Pradip Kumar Das son of Harichandra Das village - Bhanu Nilam, Barari, P.O. Barari, District - Bhagalpur.
24. Sanjay Kumar Das son of Nand Kishore Das village - Bhikhanpar, P.O. Sujaganj, District - Bhagalpur.
25. Sanjiv Kumar son of Rajendra Poddar village - Salarapur, P.O. Kulharia, District - Khagaria.
26. Kapildeo Sharma son of Tetar Sharma village - Madrini, District - Bhagalpur.
27. Kameshwar Prasad Sharma son of Ramdeo Sharma village and P.O. - Latipur, District - Bhagalpur.
28. Shambhu Kumar Sharma son of Ekdeo Sharma village and P.O. - Latipar, District - Bhagalpur.
29. Binod Prasad Sharma son of Ramdeo Tatma resident of village and Post - Latipar, District - Bhagalpur.
30. Shashikant Singh son of Brahamdeo Singh resident of village and P.O. - Hario, District - Bhagalpur.
31. Tileshwari Sharma son of Chhaguri Sharma resident of village and P.O. - Khairpur, District - Bhagalpur.
32. Umesh Mandal son of Shyam Mandal resident of village - Mohammadpur, Kharauni, P.O. - Baijani, District - Bhagalpur.
33. Jitendra Kumar Mandal son of Kisun Mandal resident of village - Mahmmadpur Kharauni, P.O. Baijani, District - Bhagalpur.
34. Brahamdeo Mandal son of Sukhdeo Mandal resident of village - Shahpur, P.O. Ghogha, District - Bhagalpur.
35. Muni Kumari wife of Anil Prasad Singh village - Makarpur District - Bhagalpur.
36. Chandra Shekhar Mandal son of Banarsi Mandal resident of village P.O. Chak Suleman, District - Bhagalpur.
37. Hardeo Harizan son of Tuni Harijan resident of village and P.O. Hasanchak, District - Bhagalpur.
38. Arvind Kumar Mishra son of Laxmi Narain Mishra resident of village - Bhudharani, P.O. - Katata, District - Bhagalpur.
39. Shivrindan Kumar Sah son of Yamuna Sah resident of village and P.O. - Hario, District - Bhagalpur.
40. Kamal Kishore Yadav son of Suresh Prasad Yadav resident of village - Nabtownia, P.O. Narainpur, District - Bhagalpur.
41. Madho Prasad Yadav son of Bankey Prasad Yadav resident of village and P.O. - Sabour District - Bhagalpur.
42. Sanjay Kumar son of Vijay Kumar Choudhary resident of village -



Khajarpur Surkhikal, P.O. - Khajarpur, District - Bhagalpur.

43. Dipak Kumar son of Vijay Kumar Choudhary resident of village - Khajarpur Surkhikal, District - Bhagalpur.
44. Rajesh Kumar son of Sarju Lal Choudhary resident of village - Kathalwari, P.O. - Bari Khajarpur, District - Bhagalpur.
45. Mritunjay Prasad Singh son of Ganesh Prasad Singh resident of village Kiranpur, P.O. Kiranpur, District - Bhagalpur.
46. Sujit Kumar son of Bhagwan Sah resident of village Rasidpur, P.O. Akbar Nagar, District - Bhagalpur.
47. Dharmendra Kumar son of Bhagirath Sah resident of village and P.O. - Hario, District - Bhagalpur.
48. Binay Malakar son of Ram Swaroop Malakar resident of village and P.O. - Hario, District - Bhagalpur.
49. Tarakant Thakur son of Srikant Thakur resident of village and P.O. - Bhalakangama, District - Bhagalpur.
50. Babu Lal Sah son of Bateshwar Sah resident of village - Khatauni, P.O. - Baijani, District - Bhagalpur.
51. Punam Kumari daughter of Arjun Prasad Mandal resident of Village - Ishakchak, District - Bhagalpur.
52. Amit Kumar son of Ghanshyam Prasad Sah resident of village - Mirjan Hat, P.O. Mohidpur, District - Bhagalpur.
53. Bishwajit Kumar son of Nand Kishor Singh village and P.O. - Kaliya Nathnagar, District - Bhagalpur.
54. Shaligram Mandal son of Ramdeo Mandal village - Bari Khal, P.O. - Hariyan, P.S. - Bihpur, District - Bhagalpur.
55. Arbind Kumar son of Suresh Prasad resident of village and P.O. Ranipur, District - Bhagalpur.
56. Bibhas Pandit son of Khokha Pandit resident of village - Mansarpur P.O. Parhghatti.
57. Anil Kuar son of Baijnath Mandal resident of village - Mukhtarpur, P.O. - Nadiyama, District - Bhagalpur.
58. Sunil Kumar Singh son of Surendra Prasad Singh resident of village - Kurpat, P.O. - Pardhari, District - Bhagalpur.
59. Banarsi Das son of Mishri Das resident of village and P.O. - Goradih, District - Bhagalpur.
60. Yogendra Sah son of Radhey Sah resident of village and P.O. - Nadiyama, District - Bhagalpur.
61. Ratnesh Kumar Ranjan son of Bhubaneshwar Mandal resident of village and P.O. - Mamlakha.
62. Shailendra Kumar son of Prasadi Singh resident of village and P.O. - Swarupchak, District - Bhagalpur.
63. Ankit Maheshwari son of Ashok Kumar resident of village - Chhoti Jamin, P.O. - Morhan, District - Bhagalpur.



64. Shrawan Kumar son of Sadanand Singh resident of village - Haripur, P.O. Banka, District - Bhagalpur.
65. Kumari Sapna Rani daughter of Sitaram Mandal resident of village - Dildarpur, P.O. Champ Nagar, District - Bhagalpur.
66. Amar Kumar son of Sitaram Poddar resident of village - Sahebganj, P.O. - Champanagar, District - Bhagalpur.
67. Rohit Kumar son of Chandeshwar Poddar resident of village and P.O. - Baluachak, District - Bhagalpur.
68. Anita Kumari D/o Shambhu Kumar Sharma resident of village and P.O. - Latipur, District - Bhagalpur.
69. Vinay Prasad Sharma son of Dev Narayan Sharma resident of village Bargai, P.O. - Chiraiya, District - Bhagalpur.
70. Sulekha Devi wife of Ashok Kumar Sharma resident of village Bargai, P.O. - Chiraiya, District - Bhagalpur.
71. Subhadra Devi wife of Arbind Sharma resident of village Bargai, P.O. - Chiraiya, District - Bhagalpur.
72. Ashok Kumar Sharma son of Rajendra Sharma resident of village Bargai, P.O. - Chiraiya, District - Bhagalpur.
73. Ritu Kumari D/o Ramswaroop Rai resident of village and P.O. - Sahjadpur, District - Bhagalpur.
74. Krishna Kumari daughter of Ramchandrar Choudhary resident of village Aviya, P.O. - Gopalpur, District - Bhagalpur.
75. Arun Kumar Yadav son of Ganesh Prasad Mandal resident of village - Navtolia, P.O. Narainpur, District - Bhagalpur.
76. Barun Kumar Yadav son of Ganesh Prasad Mandal resident of village - Navtolia, P.O. Narainpur, District - Bhagalpur.
77. Babita Kumari wife of Barun Kumar Yadav resident of village - Navtoli, P.O. Narainpur, District - Bhagalpur.
78. Mukesh Kuar Yadav son of Ganesh Prasad Yadav resident of village - Navtolia, P.O. Narainpur, District - Bhagalpur.
79. Pankaj Kumar Yadav son of Surendra Prasad Yadav resident of village - Navtolia, P.O. Narainpur, District - Bhagalpur.
80. Raj Kumar Ranjan son of Pachu Paswan resident of village - Angri, P.O. Puraini, District - Bhagalpur.
81. Manju Kumari S/o Gajadhar Prasad Mandal resident of village and P.O. Khanjarpur, P.O. Adampur, District - Bhagalpur.
82. Girdhani Poddar son of Ramkeshwar Poddar resident of village and P.O. Salarpur, District - Khagaria.
83. Vijay Kumar son of Shiv Charan Singh resident of village and P.O. - Swarup Chak, District - Bhagalpur.
84. Phul Devi wife of Srikant Thakur resident of village and P.O. - Babhangama, District - Bhagalpur.
85. Anupam Bharti wife of Ashok Kumar Malakar resident of village and P.O. -



Barahat, District - Bhagalpur.

86. Niraj Kumar son of Kuldip Mandal resident of village and P.O. - Goradih, District - Bhagalpur.
87. Md. Sahabuddin Ansari Son of Haji Md. Salamat Ansari Vill. P.O. - Khwajanagar Puraini, P.O. - Puraini, Distt. - Bhagalpur.
88. Nujhat Praveen Son of Riyajul Haq vill. - Ahmad Khani, P.O. - Puraini, P.S. - Jagdishpur, District - Bhagalpur.
89. Rabindra Kumar Sah son of Madan Lal Sah Village - Hario, P.O. - Bihpur, District - Bhagalpur.
90. Shashi Shekhar Gupta Son of Banarsi Prasad Gupta Village - Kharik, P.O. - Kharik, P.S. Kharik, District - Bhagalpur.
91. Wakil Sahu son of Late Saryug Sah village - Lokmanpur, P.O. - Kharik, District - Bhagalpur.
92. Vandana Kumari Daughter of Vijay Kumar Mandal village of Karang, P.O. - Rajaun, District - Banka.
93. Manoj Kumar son of Baijnath Prasad Mandal resident of village - Muktapur, P.O. Nadiyama, District - Bhagalpur.
94. Arun Kumar Mandal son of Dashrath Mandal resident of village and P.O. Kushaha, District - Bhagalpur.
95. Abhay Kumar Yadav son of Sri Satyendra Yadav resident of village Navtoliya, P.S. - Narayanpur, District - Bhagalpur.
96. Bipin Kumar Bharti son of Prayag Singh resident of village Chhoti Jamin P.O. Bhur, District Bhagalpur.
97. Satyajit Kumar Singh son of Khojaiy Mandal resident of village and P.O. - Bhualpur, District - Bhagalpur.
98. Shankar Prasad Mandal son of Nand Kishore Mandal resident of village Volsar Molsar, P.O. Ekchari, District - Bhagalpur.
99. Rajendra Prasad Mandal son of Sukhraj Mandal resident of village and P.O. Masaru, District - Bhagalpur.
100. Binod Kumar Mandal son of Prasadi Mandal resident of village and P.O. - Masaru, District - Bhagalpur.
101. Ashok Kumar Sah son of Hira Lal Sah resident of village - Tagepur, P.O. Jagdishpur, District - Bhagalpur.
102. Shyam Sundar Mandal son of Late Gaina Mandal resident of village Ganaura, P.S. Goradih, District - Bhagalpur.
103. Subodh Ravidas son of Late Khagendra Ravidas village and P.O. and P.S. - Goraul, District - Bhagalpur.
104. Laxmi Devi Daughter of Sukdeo Paswan Village and P.O. P.S. Sabour, District - Bhagalpur.
105. Parmanand Yadav son of Late Ganesh Yadav resident of village Narayanpur, Police Station - Narkayanpur, District - Bhagalpur.
106. Md. Reyazuddin son of Late Md. Iran resident of village - Khaira, P.S. - Shahkund, District - Bhagalpur.



- 107 Manoj Kumar Yadav son of Sri Satyendra Prasad Yadav resident of village
. Navtolia, P.S. Narayanpur, District Bhagalpur.
- 108 Bismvar Dayal Choudhari son of Jagdish Choudhary resident of village -
. Muktapur, P.S. Goradih, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of Human Resources Development,
Bihar, Patna.
3. The Principal Secretary, Department of Personnel and Administrative
Reforms, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anshudhar Sharma
	:	Mr. Sunil Kumar
For the Respondent/s	:	Mr. S.D. Yadav (Aag9)
	:	Mr. Anil Kumar Verma (Ac to Aag9)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 11 29-08-2024 1. The petitioners are non-formal Education Instructor
and worked for three years under the scheme at various places.
Pursuant to the judgment of the Hon'ble High Court as well as
Supreme Court, the non-formal Instructors were to be absorbed
by the State Government on two conditions if they have worked
more than three years as the Instructor and further, they have
moved before the High Court on or before 26.02.2016.
2. The petitioners moved before the High Court in
2015 claiming their absorption/regularization. It is not disputed
that as on the date the passing of the order dated 26.02.2016, by
Hon'ble Supreme Court in S.L.P. (C) 32079 of 2015, the writ
application of the petitioners was pending before this Court.



3. Mr. Anshudhar Sharma, learned counsel appearing for the petitioners submits that out of one hundred and eight writ petitioners, three have died during pendency of the present case and one has attained the age of retirement. The Respondent/State has absorbed the services of ninety persons. Fourteen writ petitioners have not been absorbed in the services on the ground that the experience certificate produced by them was not tallying with the dispatch register. The dispatch register, having the period of experience of the petitioners issued by District Mass Education Officer, Bhagalpur, has been annexed as Annexure A/1.

4. Learned counsel for the State submits that he has original copy of the dispatch register in which the name of fourteen petitioners are not reflected and the experience claimed by fourteen petitioners is not tallying with the records of the respondents maintained by the District Mass Education Officer, Bhagalpur.

5. Having heard learned counsel for the parties and taking into consideration the dispute raised by the State regarding the validity of the dispatch register having working experience of the petitioners as Instructors, this Court is of the opinion that the disputed question of fact can only be decided by



Respondent No. 2 / Principal Secretary, Department of Human Resource (now Additional Chief Secretary, Education Department, Government of Bihar, Patna, after giving opportunity of hearing to fourteen petitioners as well as the concerned District Mass Education Officer. Accordingly, this writ application is disposed with a direction to the fourteen petitioners to file a representation before the Additional Chief Secretary, Education Department, within fifteen days. If such a representation is filed, the Additional Chief Secretary, is directed to pass a reasoned and speaking order after giving opportunity of hearing to all concerned. The representation must be disposed within a period of three months from the date of receipt/production of a copy of this order.

6. Accordingly, the present writ application is disposed with the aforesaid direction.

(Anil Kumar Sinha, J)

HarshPandey/-

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