

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10861 of 2024

1. Hira Lal Prasad Son of Shiv Sah, Resident of Village- Pakariya, P.S.- Harsidhi, District- East Champaran, Motihari.
2. Paras Ram, Son of Late Sariman Ram, Resident of Village- Matiyariya Tola Kasba, Ward No. 13, P.S.- Harsidhi, District- East Champaran.
3. Jai Narayan Ram, Son of Shankar Ram, Resident of Village- Araj, Manhkar, P.S.- Harsidhi, District- East Champaran, Motihari.
4. Birendra Ram, Son of Bishnu Ram, Resident of Village- Kotwa, P.S.- Kotwa, District- East Champaran.
5. Savari Devi @ Sawari Devi, Wife of Surendra Ram, Resident of Village- Raghu Nath Pur, P.S.- Turkauliya, District- East Champaran.
6. Ranjana Bharti, Wife of Manoj Kumar Tiwari, Resident of Village- Siharwa, Gawandra, P.S.- Chakia, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Mass Education, Government of Bihar, Patna.
4. The District Mass Education Officer, District East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the Respondent/s	:	Mr. M. Haque, Government Pleader (12)
		Mr. Vasant Vikas, AC to GP-12

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-07-2024 Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ petition has been filed seeking direction to the respondent to absorb/rehabilitate the petitioners giving them same and similar/equitable treatment as has been given to the similarly situated instructors of non-formal



education scheme and for a direction to the respondent authorities to give same and similar treatment is being given to the other similarly situated persons and not debar the petitioners on the ground that the petitioners were not writ petitioners earlier.

3. Learned counsel for the petitioners submits that the present case has been covered in the case of SLP (Civil) No.32079 of 2015, in which order has been passed that the relief shall be restricted to such employee, who had approached the Hon'ble High Court before the cut-off date, i.e., 26.02.2016. Counsel submits that after disposal of the said SLP, some of the petitioners had moved before this Hon'ble Court and matter was considered in LPA No.1047 of 2017 in which order has been passed on 23.08.2018 and on the basis of which the petitioners are seeking relief.

4. Learned counsel for the petitioners also relied on the judgment passed by this Court dated 13.02.2024 in CWJC No.1463 of 2019, in which liberty was granted to the petitioners that petitioners shall file fresh representation, if any relief could be granted in a matter pending before Hon'ble Supreme Court of India in diary No.4062/2023.

5. Learned counsel for the State submits that it is a



matter relating to non-formal education, in which a clear cut finding of Hon’ble Supreme Court has come in SLP No.32079 of 2015. The present writ petition has been filed relying on the judgment dated 23.01.2018 passed in LPA No.1047 of 2017, which is annexed as Annexure-P/5.

6. It transpires to this Court that the petitioners have approached this Court after six and half years from the order dated 23.01.2018. As such, this Court is of the firm view that the writ petition is not maintainable and it is hereby dismissed. In case, any relief shall be granted in the case pending before the Hon’ble Supreme Court, i.e., diary No.4062/2023, the petitioners shall be at liberty to move this Hon’ble Court.

(Dr. Anshuman, J)

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