

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13203 of 2024

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Seema Kumari @ Seema Devi Wife of Shrikant Tiwari Resident of village-
Janerwa, P.S.- Areraj, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Commissioner-cum-Secretary, Education Department, Government of Bihar, Patna.
2. The Commissioner-cum-Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Mass Education, Education Department, Government of Bihar, Patna.
4. The Joint Secretary cum Director, Mass Education, Education Department, Government of Bihar, Patna.
5. The District Education Officer, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv.
For the Respondent/s	:	Mr. Government Pleader 17

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-09-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ application has been filed for the
following relief(s):-

*“(a) to issue an order/orders,
direction/directions, writ/writs in nature of
mandamus commanding upon the
respondents concerned to consider the
candidature of the petitioner for the
absorption on Class-IV Post in the light of
order dated 26.02.2016 passed in SLP
No.32079 of 2015 (Annexure-P4) as the
petitioner has been denied for the said*

absorption on the ground that the work experience certificate issued earlier is shortage of three year, but on raising objection, the same has been corrected by the office of District Education Officer, East Champaran in the date of 03.10.2023 and moreover, the said correction as so made, placed before the Joint Secretary-cum-Director, Mass Education, Education Department, Bihar, Patna (Respondent No. 4) vide Letter No.174 dated 03.10.2023 (Annexure-P6/1) for the approval for the absorption, but till today the same is still pending in this regard.

(b) to issue an order/orders, direction/directions, writ/writs in nature of mandamus commanding upon the respondents concerned especially Respondent No. 4 to get approved the correction as so made by Respondent No. 5 after going through the enquiry and examine the work experience of the petitioner and be placed before the Respondent No. 4 vide Letter No.174 dated 03.10.2023.

(c) to issue an order/orders, direction/directions, writ/writs in nature of mandamus commanding upon the respondents concerned to take appropriate steps to get the petitioner be absorbed on Class-IV Post in the light of corrected

Seniority list, in the date of 14.10.2020 (Annexure-P) wherein the petitioner is at Serial No. 38 in the said seniority list, as the petitioner is found to be complying all the criteria as laid down in order dated 26.02.2016 passed in SLP No.32079 of 2015 (Annexure-P2) by Hon'ble Supreme Court.”

3. Learned counsel for the petitioner submits that the petitioner was initially appointed on the post of Instructor under Non-Formal Education but she was party to the litigation and her name figured at petitioner no. 51 in C.W.J.C. No. 3703 of 2016. He further submits that the relief(s) could not be granted only due to the reason that there was discrepancies in the certificate relating to work experience. He further submits that the said discrepancies have already been removed on October, 2023, contained in Annexure P/8, letter no. 174 dated 03.10.2023. He further submits that the petitioner is entitled for the relief(s) which have been granted to other petitioners of C.W.J.C. No. 3703 of 2016.

4. Learned counsel for the State submits that in the light of the argument, the petitioner ought to file her representation before the authority concerned (respondent no. 4) but instead of filing her representation, she has directly come before this Hon'ble Court.

5. In this background, the present writ application stands disposed off directing the petitioner to file representation, mentioning all her points before respondent no. 4, who shall consider the case of the petitioner and then pass a reasoned and speaking order within 90 days, if it has been found that the petitioner is entitled for the relief(s) as like that of other similarly situated person, the relief(s) be granted to the petitioner also within the said period.

(Dr. Anshuman, J)

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