

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2085 of 2025

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1. Shambhu Singh @ Sardar Shambhu Singh Son of Bhagwan Singh @ Sardar Bhagwan Singh, Resident of Village- Bhandartol, Police Station- Barari, District- Katihar.
 2. Ram Murmu, Son of Late Jitan Murmu, Resident of Maheshua, Police Station- Rautara, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Central Administration, Government of Bihar, Patna.
3. The Director, Mass Education, Government of Bihar, Patna.
4. The District Magistrate, Katihar.
5. The District Education Officer, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar, Advocate
For the State	:	Ms. Archana Meenakshee, GP-06
		Mr. Prabhat Ranjan, AC to GP-6
		Mr. Harish Singh, AC to GP-6
		Mr. Rana Veer Prawar, AC to GP-6

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-02-2025 Heard learned counsel for the petitioners and learned counsel for the State.

2. The present Writ Petition has been filed for issuance of an appropriate writ in the nature of mandamus commanding the respondent to consider the case of the petitioners for their absorption/rehabilitation, on the post of Non-Formal Education Instructor in regular government service and further for a direction to grant all other consequential



benefits in terms thereof.

3. Learned counsel for the State has raised preliminary objection and submits that the petitioners have demanded a mandamus for which according to the petitioners representation has been filed on 21.12.2023, as contained in Annexure - P/7 to the Writ Petition. Learned counsel further submits that it is the specific direction of the Hon'ble Supreme Court which is quoted in paragraph 5 of the MJC No. 809 of 2012 decided on 23.07.2018, as under :

"5. Being aggrieved by the judgment of the Hon'ble Division Bench in the Letters Patent Appeal bearing No. 1489 of 2011 and other analogous matters, the State of Bihar preferred a number of Special Leave Petitions before the Hon'ble Supreme Court of India. All the Special Leave Petitions came for consideration before the Hon'ble Apex Court on 26.02.2016 (emphasis is mine). The Hon'ble Apex Court disposed of all the Special Leave Petitions without interfering with the impugned orders of the Hon'ble High Court but with a rider that “ **The relief granted by the High Court shall be restricted to those who approached the High Court who were heard as well as who wanted to get themselves impleaded and those who have filed applications here at par with those former as well as all those petitioner Instructors which are pending as on**



date before the High Court but shall not apply to any fresh case either here or before the High Court.....”

4. According to which, it is the categorical direction of Hon'ble the Supreme Court that the relief granted shall be available only to those applicant whose matter was pending as on date before the High Court but shall not apply to any fresh case either before the High Court or before the Supreme Court and the cut-off date fixed by the Hon'ble Supreme Court was 26.02.2016.

5. In the light of the above submissions, it transpires to this Court that the Hon'ble Supreme Court had fixed the cut of date as 26.02.2016 and admittedly, the petitioners have filed their representation on 21.12.2023, no case of the petitioners was pending either before the Supreme Court or before the High Court.

6. In this view of the matter, this Court hereby restrained himself from granting any relief to the petitioners. Accordingly, the present Writ Petition stands disposed off.

(Dr. Anshuman, J)

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