

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6521 of 2016

1. Bibhash Kumar Chaudhary @ Bivash Kumar Chaudhary and Ors son of Sri Saurendranath Chaudhary resident of village - Luttipur, P.S. - Balrampur, District - Katihar.
2. Md. Sahidur Rahman son of Late Md. Visharat resident of village - Machchail, P.O. - Batna, P.S. - Barsoi, District - Katihar.
3. Braj Bhushan Singh son of Late Atul Prasad Singh resident of village - Jaja, P.O. - Kadwa, P.S. - Kadwa, District - Katihar.
4. Smt. Namita Devi Daughter of Kishor Prasad Singh resident of village - Ssighra, Tola Deshiya, P.S. Block - Kadwa, District - Katihar.
5. Md. Arjak Hussain S/o Late Abdul Jabbar R/v - Maltipur, P.O. - Sankola, Block - Barsoi, District - Katihar.
6. Md. Sikandar S/o Late Dawood Ali R/v - Kotahar, P.O. - Sankolha, Block - Barsoi, District - Katihar.
7. Sikandar Kr. Mandal S/o Sri Manbharan Mandal R/o Mahmadiya, P.O. - Kalsai, Block - Hasanganj, District - Katihar.
8. Shaym Sundar Saha son of Rabindranath Sah resident of village - Barsoi Sahpara, P.O. P.S. - Barsoi, District - Katihar.
9. Md. Imdad Ali son of Md. Ayub Ali resident of village - Kotahar, P.O. - Sanhaura, P.S. Abadpur, District - Katihar.
10. Md. Nurul Islam son of Late Pashiruddin Ahmed resident of village - Chandpara, P.O. Hat Balrampur, P.S. - Abadpur, District - Katihar.
11. Rambilash Ravidas son of Khakhru Ravidas resident of village P.O. - Pranpur, P.S. - Pranpur, District - Katihar.
12. Shyamal Chandra Bashak son of Late Haripod Bashak resident of village - Kusiarmara, P.O. - Gwal Toli, P.S. - Abadpur, District - Katihar.
13. Md. Jamshed Alam son of Late Sheikh Panaullah resident of village - Kotahar, P.O. - Sankola, P.S. Abadpur, District - Katihar.
14. Ahmad Javed Anwar son of Late Aziz Ahmad resident of village - Lagua, P.O. Sankola, P.S. - Abadpur, District - Katihar.
15. Sheikh Sajjad Alam son of Abdul Latif resident of village - Sihgaon, P.O. - Ganjan, P.S. - Barsoi, District - Katihar.
16. Kishor Kumar Das son of Sri Nityanand Das resident of village - Hat Bagroda, P.O. - Gwal Toli, P.S. - Barsoi, District - Katihar.
17. Sunil Roy son of Late Shukdeo Prasad Roy resident of village - Mallikpur, P.O. - Kurhaila, P.S. - Kadwa, District - Katihar.
18. Md. Naved Ajam son of Md. Tasaduqqe Hussain resident of village - Hat Bagroda, P.O. Gwal Toli, P.S. - Barosi, District - Katihar.
19. Asit Kumar Das son of Late Anil Chandra Das resident of village - Hat Bagroda, P.O. - Gwal Toli, P.S. - Barsoi, District - Katihar.
20. Sheikh Shamshool Haque son of Mohiuddin Ahmad resident of village - Palasi, P.O. - Hat Balrampur, P.S. Abadpur, District - Katihar.



21. Shyamal Krishna Das son of Sri Madhav Chandra Das resident of village - Hat Bagroda, P.O. - Gwal Toli, Block P.S. - Barsoi, District - Katihar.
22. Nashter Didar son of Ahmad Rauf Didar resident of village - Sankola, P.S. - Abadpur, Block - Barsoi, District - Katihar.
23. Nayyar Alam Didar son of Late Rauf Didar resident of village - Sankola, P.S. - Abadpur, Block - Barsoi, District - Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner-cum-Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
4. The Director, Mass Education, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Adv.
Mr. Ujjwal Shandilya, Adv.
For the Respondent/s : Mr. Ajay, GA12

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 11-02-2025

I.A. No.5872 of 2016

Learned Counsel for the petitioners and Learned Counsel for the State are present.

2. The present interlocutory application has been filed by the intervenor petitioners with relief to add the applicant intervenors as co-petitioners in the writ petition.

3. Counsel for the State raised objection and submits that there is no provision in Patna High Court Rules by which an intervenor could be added as co-petitioners in any writ petition. There is provision in Patna High Court Rules only to add



intervenor as respondent and not as petitioner.

4. As such, this Court is not inclined to grant any relief to the petitioners of the present I.A. Therefore, the present I.A. No.5872 of 2016 is hereby dismissed.

Re:- C.W.J.C. No.6521 of 2016

5. Learned Counsel for the petitioners submits that the present application has been filed with the following reliefs:-

1. That the petitioners prays for issuance of an appropriate writ preferably in the nature of Mandamus commanding and directing the Respondents concerned to absorb the petitioners on the post of Class III/IV under the Respondent State as the petitioners are Ex-instructors of Non-Formal Education on several grounds including that the State Government has decided to absorb the Non-formal Educational Supervisors on class III posts. And/or any other relief or reliefs for which the petitioners are found entitled to in the facts and circumstances of this case.

6. Counsel for the petitioners submits that the petitioners' case is squarely covered in the case of **The State of Bihar & Ors. Vs. Prabhat Ranjan** in **S.L.P. No.32079 of 2015** as Hon'ble Supreme Court has pleased to fixed a cut off date in this case *i.e.*, 02.06.2016.

7. Counsel for the petitioners further submits that



admittedly, his case was pending prior to 26.02.2016 and, therefore, his case comes within the category of those petitioners to whom Hon'ble Supreme Court has pleased to grant relief. He further submits that in the light of the decision made by the Hon'ble Supreme Court, the petitioners may be granted the same relief.

8. Counsel for the State submits that the claim of the petitioners has already been rejected and in this regard, the decision has come *vide* Annexure-E of the counter-affidavit. He further submits that the said decision which has been annexed as Annexure-E, has been passed behind back of the petitioners and in this regard, no information has been provided to them.

9. In this view of the matter, Annexure-E is hereby set aside and respondent No.4 (the Director, Mass Education) is directed to consider the case of the petitioners afresh in the light of the order passed by the Hon'ble Supreme Court as the petitioners' matter was pending before this Hon'ble Court prior to 26.02.2016.

10. As such, the present writ petition is hereby disposed off directing the petitioners to file their representation afresh before the respondent No.4 (the Director, Mass Education) along with the order passed by this Court and the



respondent No.4 shall pass a reasoned and speaking order after granting opportunity to the petitioners to hear within 90 days from the date of production of this order.

11. With the aforesaid directions and observations, the present writ petition stands disposed off.

(Dr. Anshuman, J.)

Prakashmani/-

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