

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.787 of 2021

1. Jawahar Lal Sharma, Son of Late Moti Lal Sharma, Resident of Village-Semaria, Post and Police Station- Revilganj, District- Saran.
2. Sangita Devi @ Sangita Kumari, Daughter of Amarnath Mishra, Wife of Anirudh Pathak, Resident of Village- Mirpur Juara, Police Station-Awatarnagar, District- Saran.
3. Jai Prakash Sah, Son of Late Chandradip Sah, Resident of Village- Bangra Khurd, Post and Police Station- Revilganj, District- Saran.
4. Birendra Kumar Yadav, Son of Sitaram Yadav, Resident of Village-Narayanpaliya, Police Station- Manjhi, District- Saran.
5. Bhagwan Harijan, Son of Late Kanchanand Ram, Resident of Village-Rampur Bhath, Post and Police Station- Revilganj, District- Saran.
6. Shatrughan Kumar Chaudhary, Son of Late Ram Surat Chaudhary, Resident of Village- Sirisia, Post and Police Station- Revilganj, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Director-cum-the Additional Secretary, Mass Education, Education Department, Govt. of Bihar, Patna.
5. The District Magistrate, Saran at Chapra.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer (Establishment), Saran at Chapra.
8. The District Programme Officer, Literacy, Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv.
For the Respondent/s : Mr. Priyadarshi Matri Sharan, AC to AAG-15

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

13 15-04-2025

Heard the parties.

2. The petitioners have approached this Court for the following relief(s):-

“I. For issuance of an appropriate writ in the



nature of certiorari for quashing the 'Parishisth-Kha', which has been communicated by the District Programme Officer, Literacy, Saran at Chapra to the Director -cum- the Additional Secretary Mass Education, Education Department, Govt. of Bihar, Patna vide memo no. 701 dated 13.06.2020, by which, "Parishisth Kha" has been annexed and it has been mentioned that in "Parishisth Kha" names of 34 candidates has been mentioned whose proof for payment of their honorarium has been found but the proof with regard to their continuous three years service has not been found. In the said "Parishisth Kha", the name of petitioner no. 1 is appearing at sl. no. 4, the name of petitioner no. 2 is appearing at sl. no. 7, the name of petitioner no. 3 is appearing at sl. no. 5, the name of petitioner no. 4 is appearing at sl. no. 6, the name of petitioner no. 5 is appearing at sl. no. 33 and the name of petitioner no. 6 is appearing at sl. no. 32 and such a report/communication by the District Programme Officer, Literacy, Saran at Chapra is not just and proper, as the petitioners have worked for three years continuously and they have also been paid their honorarium through the Bank, which is evident from column no. -3 of said " Parishisth -Kha" itself.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to



select/appoint the petitioners on class -IV post in the district of Saran on the basis of their three years continuous service, for which, they have been paid their honorarium through Bank and all the petitioners were either petitioners before the Hon'ble High Court or before the Hon'ble Supreme Court before the cut-off date fixed by the respondent authorities concerned i.e. 26.02.2016 and as the similarly situated candidates have already been appointed, whereas, the petitioners have been deprived till date.”

III. For issuance of any other writ/writs, order/orders, direction/directions for which the petitioners would be entitled in the facts and circumstances of the present case.”

3. While assailing the impugned order, learned Advocate for the petitioners contended that the action of the concerned respondents is wholly unjustified and illegal, inasmuch as they failed to consider the cases of the petitioners for their appointment on Class-IV post; notwithstanding the fact that they have been discharging their duties for more than three years and they have been paid their honorarium and all the petitioners were either the petitioners before this Hon'ble High Court or before the Hon'ble Supreme Court, immediately before the cut off date fixed by the respondent authorities concerned i.e. 26.02.2016.



4. Learned Advocate for the State referring to the counter affidavit filed on behalf of the respondent no.6 has submitted that the claim of the petitioners was duly considered by the District Programme Officer and on being found their claim unsustainable, the impugned order came to be passed in accordance with law. It is further contended that the issue raised before this Court has travelled up to the Apex Court and finally it came to be set at rest by the learned Division Bench of this Court in Civil Review No.59 of 2018 [In L.P.A. No.1047 of 2017]. Hence, the grievance raised in the writ petition does not survive.

5. This Court finds substance in the submissions advanced by the learned Advocate for the State.

6. The writ petition stands disposed off in terms of the judgment passed in Civil Review No.59 of 2018.

(Harish Kumar, J)

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