

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2137 of 2022

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1. Dudhanath Prasad @ Dudhanath Bhagat S/o Ramlal Bhagat, Resident of Village - Raghunathpur, P.O. - Rudalpur, P.S. - Bhore, Distt. - Gopalganj.
 2. Anila Devi, W/o Ramdayal Kushwaha, Resident of Village - Harpur Ramnagar, P.O. - Musahri Bazar, P.S. - Bijaipur, Distt. - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The Principal Secretary, Dept. of Human Resources Development, Govt. of Bihar, New Secretariat, Patna.
3. The Principal Secretary Dept. of Personal and Administrative Reforms now known as Deptt. of General Administration, Govt. of Bihar, Old Secretariat, Patna.
4. The Director, Primary Education, Dept. of Human Resources Development, Govt. of Bihar, New Secretariat, Patna.
5. The Director Mass Education (Jan Shiksha) Dept. of Human Resources Development, Govt. of Bihar, New Secretariat, Patna.
6. The District Magistrate, Gopalganj.
7. The District Education Officer, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Devanand Tiwari, Advocate
For the State : Mr. Ram Vinod Pd Singh, (AC to GA-12)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-01-2026 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ petition has been filed for the
following relief/s:-

*“1. For issuance an appropriate writ/s
in the nature of mandamus
directing/commanding the respondents
particularly respondent No. 2 to make*



absorption/appointment of the petitioners on the post of class III and class -IV against vacant/ sanctioned post in the different department in the state by adopting same policy as had been taken for absorbing the services of the Supervisors working under the Non-formal Education (live the writ petitioners) and to absorb them in regular Govt. service as per their qualification after relaxation of age of the petitioners because the petitioners are instructions under the Govt. of India Scheme in 1981-82 for giving Non formal Education to the children of 6 to 14 years at different centers in the state.

II. For further issuance of an appropriate writ in the light of the order dated 21.4.11 passed by this Hon'ble court in C.W.J.C. No. 8418/10 in (Sheo Bhajan Diwakar and other Vs. The State of Bihar & ors.) as contained in Annexure- 1 to this writ application by which a specific direction has been given to absorption of the instruction of Non formal Education programme against the sectioned/vacant post of class - IV post in the different department in the state within stipulated time as fixed in the said order.



III. For further directing the respondents to comply the order dated 11.8.15 passed by division bench of the Hon'ble High court in L.P.C. No. 1489/11 (the state of Bihar & ors. Versus Sheo Bhajan Pd. Diwakar others) as contained in Annexure -3 in which specific direction has also been given to absorption of the instructors of Non formal Education Programme against the sectioned post of class - IV post.

IV. For disposal of the present writ petition in term of the order dated 11.8.15 passed in L.P.A. No. 1489/11 (the state of Bihar & ors. Vs. Sheo Bhajan Pd. Diwakar & ors.) and also M.J.C. No. 809/12 because matter is similarly effected the petitioners. Which is pending before this Hon'ble High Court.

V. For any other relief/s for which the petitioners are entitled to in the fact and circumstances of the case and also in accordance with law.”

3. Learned counsel for the petitioners submit that this matter has already been decided upto the Hon'ble Supreme Court of India and the petitioners have not moved before this



Court on or before 26.02.2016 which was a condition precedent fixed by the Hon'ble Supreme Court of India for consideration of absorption. He further submits that some matter is still pending before the Hon'ble Supreme Court of India and as such, he submits that the present writ petition may be disposed off with liberty that in case the matter decides in favour of those persons similarly situated as like that of petitioners before Hon'ble Supreme Court of India, then he may sue.

4. Permission is granted.

5. Accordingly, the present writ petition stands disposed off with aforesaid liberty.

(Dr. Anshuman, J)

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