IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20336 of 2016

CNR No. BRHC010142282016

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1. Satyadeo Mahto and Ors S/o Dewaki Mahto, Resident of Village- Usari, P.S.- Basantpur, District- Siwan.
2. Azad Ray, S/o Chandeshwar Ray, Resident of Village- Mocnapur, P.S.- Basantpur, District- Siwan.
3. Sunita Devi, W/o Balkrishna Rajak, Resident of Village- Laheji, P.S.- Basantpur, District- Siwan.
4. Lalmuni Devi, W/o Lalan Prasad, Resident of Village- Murwar, P.S.- Basantpur, District- Siwan.
5. Sushila Devi, W/o Ramnaresh Manjhi, Resident of Village- Samardah, P.S.- Basantpur, District- Siwan.
6. Shailendra Kumar Ray, S/o Late Badri Ray, Resident of Village- Karhi Kalan, P.S.- Basantpur, District- Siwan.
7. Raghunandan Prasad, S/o Satrudhan Prasad, Resident of Village- Shyampur, P.S.- Basantpur, District- Siwan.
8. Mina Kumari, D/o Famnath Pandit, Resident of Village- Karhi Kalan, P.S.- Basantpur, District- Siwan.
9. Devnandan Sahani, S/o Hardev Sahani, Resident of Village- Bagahi, P.S.- Basantpur, District- Siwan.
10. Shashi Bala Devi, W/o Ashok Ram, Resident of Village- Molanapur, P.S.- Basantpur, District- Siwan.
11. Rameshwar Yadav, S/o Ram Ganesh Yadav, Resident of Village- Gohpur, P.S.- Maharajganj, District- Siwan.
12. Satyendra Kumar Prasad, S/o Bidya Prasad, Resident of Village- Barka Teghra, P.S.- Maharajganj, District- Siwan.
13. Akhileshwar Yadav, S/o Late Dahari Yadav @ Bahari Yadav, Resident of Village- Pakwaliya, P.S.- Maharajganj, District- Siwan.
14. Kiran Kumari, D/o Arvind Kumr Verma, Resident of Village- Barka Teghra, P.S.- Maharajganj, District- Siwan.
15. Sunaina Kmari, D/o Arun Prasad, Resident of Village- Gohpur, P.S.- Maharajganj, District- Siwan.
16. Mira Devi, W/o Ashok Prasad, Resident of Village- Bhithi, P.S.- Goriya Kothi, District- Siwan.
17. Surendra Mahato, S/o Ganesh Mahato, Resident of Village- Takipur, P.S.- Maharajganj, District- Siwan.
18. Rampukar Ram, S/o Hargun Ram, Resident of Village- Dumari, P.S.- Darounda, District- Siwan.
19. Kumari Sarika Singh, D/o Binit Singh, Resident of Village- Sherpur, P.S.- Darounda, District- Siwan.
20. Ravinandan Ram, S/o Bhuwali Ram, Resident of Village- Brititola, P.S.-

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Darounda, District- Siwan.

21. Shobha Devi, W/o Shivjee Ram, Resident of Village- Brititola, P.S.- Darounda, District- Siwan.
22. Jalil Miyan, S/o Karamddin Miyan, Resident of Village- Pakri, P.S.- M.H. Nagar, District- Siwan.
23. Sabhapati Ray, S/o Ramashish Ray, Resident of Village- Milki Madhawapur, P.S.- Darounda, District- Siwan.
24. Binod Kumar Prasad, S/o Vishwanath Prasad, Resident of Village- Kapripur, P.S.- Basantpur, District- Siwan.
25. Alok Devi, W/o Umashankar Singh, Resident of Village- Sipah, P.S.- Basantpur, District- Siwan.
26. Ashok Kumar Suman, S/o Late Mahatma Ram, Resident of Village- Kumkumpur, P.S.- Basantpur, District- Siwan.

... ... Petitioner/s

Versus

1. The State of Bihar and Ors.
2. The Commissioner-cum-Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Mass Education, Education Department, Government of Bihar, Patna.
4. The District Education Officer, Siwan.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Bhuneshwar Pandey, Advocate
For the State : Mr. P.N. Sharma, S.C.-22
Mr. Saurabh Suman, AC to SC-22
For the Respondent/s : Mr. Subhash Chandra Mishra- SC-16

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

2 20-11-2026 Heard learned counsel for the parties concerned.

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

"...That through this writ application petitioners who are retrenched instructor of Non Formal Education pray for

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issuance of a direction in the name of Respondents to consider their case also for absorption in different department of State Government as per the policy framed by State Government because they have continued under the Non-formal Education scheme till its closure but unfortunately three years period have not been completed by them because suddenly scheme was closed and engaged peoples were retrenched and also prays for any other relief(s) for which the petitioners are found entitled".

3. The petitioners were appointed as Instructors under the Non-Formal Education Scheme, which has since been discontinued. Since the petitioners were appointed under the said scheme, no right has accrued in their favour to seek absorption in the State Government.

4. As per the law laid down by the Hon'ble Supreme Court in ***Gurbachan Lal Vs. Regional Engineering College, Kurukshetra & Ors.*****, reported in (2007) 11 SCC 102**, wherein

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the Hon'ble Supreme Court has held in paragraph 45, which is being reproduced hereinbelow:

> *"45. In the present case the appellant continued to work for ten years or more but such continuous temporary employment of the appellant cannot vest any legal right in him to continue when the scheme on the basis of which he was appointed and was working itself came to an end. It is also incorrect to say that the court would direct continuity of the scheme for the purpose of keeping the appellant in service and in any view of the matter he could not be treated as a permanent employee of the Institution as he was appointed under a scheme and not in the mainstream of the Institution."*

5. Since the petitioners were appointed under the scheme and the said scheme has been discontinued, therefore, there is no legal or statutory right of the petitioners has been violated or invaded. Further, the protection under Article 311 of the Constitution of India is not available to the petitioners. The petitioners were not appointed to any civil post under the State, and it appears from the scheme that their engagement was for a

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limited period. Therefore, this Court is of the view that the writ application is not maintainable under Article 226 of the Constitution of India.

7. In view of the aforesaid facts and circumstances, this writ application is dismissed

(Girijish Kumar, J)

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