

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6909 of 2025

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1. Meraj Alam S/o Md. Yasin, R/o Village-Shikarpur, P.S.-Balial-Belon, Dist.-Katihar.
 2. Shyam Kumar Das, S/o Ashok Lal Das, R/o Village-Maheshpur, P.S.-Azamnagar, Dist.-Katihar.
 3. Md. Rizwanul Bari, Son of Md. Qurban Ali, R/o Village-Raiyanpur, P.S.-Balial-Belon, Dist.-Katihar.
 4. Kishore Kumar Paswan, S/o Kameshwar Paswan, R/o Village-Khempur Bathna, P.S.-Barsoi, Dist.-Katihar.
 5. Md. Muzahid Alam, S/o Ahmed Hussain, R/o Village-Khempur, P.S.-Barsoi, Dist.-Katihar.
 6. Abdul Mannan, S/o Md. Moinuddin, R/o Village-Malor Sonapur, P.S.-Barsoi, Dist.-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Education, Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Mass Education, Department of Education, Govt. of Bihar, Patna.
4. The District Collector, Katihar.
5. The District Education Officer, Katihar, Dist.-Katihar.
6. The District Programme Officer (Literacy) Katihar, Dist.-Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Qumrul Hoda, Advocate
For the State	:	Mr. Asit Kumar Jha (AC to GP-2)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-03-2026 Heard learned counsel for the petitioners and learned counsel for the State.

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

“I. That, this writ application is being filed for a direction/directions to the concerned



respondent authorities to absorb the petitioners in State Govt. Service in Class-D (वर्ग - घ) in view of direction/order passed by the Hon'ble Supreme Court in SLA (c) No. - 32079 of 2015, as the petitioners are/were non-formal instructors and they are fully eligible for absorption which is apparent from the recommendation report dated 29-12-2023 (vide Annexure -P/3) and it is further prayed for the other necessary directions in the circumstances set forth”.

3. Learned counsel for the petitioners submit that the petitioners were non-formal instructors in non-formal education scheme/project and the said project was abolished in the year 2001. Counsel submits that the petitioners earlier moved before this Hon'ble Court in C.W.J.C. No. 1352 of 2016 which was heard and accordingly disposed of *vide* order dated 16.09.2016 in terms of the order passed in S.L.A (C) No. 32079 of 2015. Counsel submits that the District Programme Officer (Literacy), Katihar sent a letter on 15.11.2024 to the Additional Secretary, Department of Education Bihar, Patna whereby and whereunder it is mentioned that name of petitioners are present in the list dated 28.09.2016 of non-formal instructors at district level, and the petitioners' case has been scrutinized and found that the



petitioners fulfill all the criteria for absorption. Counsel further submits that the petitioners have filed representation on 09.09.2024 (Annexure- P/6) before the Director, Mass Education cum Additional Secretary, Department of Education, Bihar, Patna and again filed representation on 20.01.2025, but no decision has been taken on their representation.

4. Learned counsel for the State, on the other hand, submits that the counter affidavit has been filed. He submits that in the counter affidavit, order has been passed on 22.08.2019 by the Hon'ble Division Bench of this Court in M.J.C. No. 54 of 2013 with other analogous cases. Counsel submits that in the said order, specific direction was made by the Hon'ble Court to constitute a committee who would examine the objection giving opportunity to the persons concerned and shall take a decision within 90 days. Counsel further submits that the petitioners admittedly come within the category of Category-I candidates. And according to the said order, they have to file representation within a fixed period of time which has to be decided within 90 days from the date of order. Counsel submits that the said order was passed in the year 2019, whereas, from the representation of the petitioners, it transpires that the petitioners have filed representation in the year 2024. Therefore, he submits that the



case of the petitioners cannot be entertained and this writ petition be dismissed.

5. After hearing the parties, it transpires that there is no decision taken by the authorities concerned on the representation of the petitioners (Annexure- P/6).

6. As such, without entering into the merit or demerit of the case, the Director, Mass Education, Department of Education, Government of Bihar, Patna (Respondent no.3) is hereby directed to pass a reasoned and speaking order on the petitioners' representation dated 09.09.2024 (Annexure- P/6) within 90 days from the date of production of a copy of this order.

7. Accordingly, with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

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