

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7674 of 2026

1. Madan Mohan Sharma Son of-Sudarshan Sharma, Resident of village. jeena, P.O.-Nasariganj, P.S. Nasariganj, District - Rohtas.
2. Jitendra Singh, Son of Dasai Singh, Resident P.O.-of Village- Mishrawaliya, Rajpur, P.S.- Rajpur, District Rohtas.
3. Shail Kumari Devi, W/O of Nagendra Tiwary, Resident of Village. -Pakri, P.O.- Rajpur, P.S.-Rajpur, District Rohtas.
4. Triveni Ravidas, Son of Late- Bhadai Ravidas, Resident of village. Kasturikhap, P.O.-Bham P.S.-Aati, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Mass Education, Government of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The District Education Officer, Government of Bihar, Patna.
5. The District Program Officer (Establishment), Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Shekar Tiwary, Adv. Mr. Anshu Kumar, Adv. Mr. Rahul Ranjan, Adv.
For the Respondent/s	:	Ms. Vijaya Laxami Srivastava, AC to SC-23

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-06-2026 Heard the parties.

2. The petitioners, who are Class-IV employees working in different offices under the Education Department, have approached this Court seeking a direction to the respondent authorities to consider their claim for continuance against Class-IV posts beyond the age of superannuation, preferably up to the age of 65–70 years, in light of Memo No. 10000 dated 10.07.2015 issued by the General Administration



Department.

3. Learned counsel for the petitioners submits that, on account of prolonged litigation involving the State, the petitioners have been deprived of the full benefits of their service tenure. It is contended that the petitioners were appointed pursuant to orders passed by this Court as well as the Hon'ble Supreme Court in matters relating to the Bihar State Non-Formal Education Programme. Since the petitioners are nearing the age of superannuation and apprehend that they may retire within a short period, the present writ petition has been filed seeking a direction that they be permitted to continue against Class-IV posts, even on a contractual basis, after their retirement.

4. Learned Advocate for the State opposed the prayer and submitted that no rule, regulation, policy, or statutory provision has been brought on record to demonstrate that the petitioners are entitled, as a matter of right, to continue in service on a contractual basis after attaining the age of superannuation. It is further submitted that, if the petitioners are otherwise found eligible and entitled for contractual engagement after retirement, their cases shall be considered in accordance with the applicable rules, circulars, policies, and instructions



issued by the State Government from time to time.

5. Having considered the submissions advanced on behalf of the parties, especially Annexure-6 series, upon which heavy reliance has been placed by the learned Advocate for the petitioners, this Court finds that the said documents merely contemplate engagement of retired employees on a contractual basis subject to recommendation by a duly constituted Selection Committee and fulfillment of the prescribed conditions.

6. Suffice it to observe that the petitioners have not yet attained the age of superannuation and, therefore, no cause of action has presently arisen warranting interference by this Court. However, upon their retirement, it shall be open to the petitioners to approach the competent authority for consideration of their claim for contractual engagement, which shall be examined in accordance with the applicable rules, circulars, policies, and prevailing instructions governing the field.

7. With the aforesaid observations, the writ petition stands disposed of.

(Harish Kumar, J)

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