

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.952 of 2021

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Reena Kumari D/o Shiv Chandra Prasad Singh, W/o Rupesh Kumar, Resident of Village - Tanra, Kalyanpur, Basti, P.S. - Mohiuddinnagar, District - Samastipur, At present resident of Basantpur Jhitkahi, P.O. - Sakra, P.S. - Dholi, District – Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Education, Government of Bihar, Patna.
2. The Principal Secretary Department of Education, Government of Bihar, Patna.
3. The Director, Mass Education, Government of Bihar, Patna.
4. The District Magistrate, Samastipur.
5. The District Education Officer, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Respondent/s : Mr. Naresh Prasad

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 17-01-2022

The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. State counsel accept notice for respondents.

3. In the instant petition, petitioner has prayed for following reliefs:-

“1. That this writ application is being filed for issuance of an appropriate writ preferably in the nature of Mandamus commanding and directing the suitable posts in permanent service under the Respondent State as the petitioner is Ex-



Instructor of Non-Formal Education on several grounds including that the State Government has decided to absorb the Non-Formal Educational Supervisors in permanent service and services of several similarly situated persons/ Non-Formal Ex-instructors have been absorbed in the light of several Judicial pronouncements of this Hon'ble Court as well as Hon'ble Court. And/or any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of this case.”

4. Short question for consideration in the present petition is whether petitioner is entitled to appointment by absorption/regularization or a fresh appointment on the account of the fact that petitioner was Ex-instructor of Non-Formal Education. In this regard, the concerned respondent is hereby directed to examine the grievance of the petitioner in the light of judicial pronouncements read with the policy decision of the State.

5. For issuance of writ of mandamus, petitioner has not approached the concerned respondent in making representation. Therefore, question of issuance of writ of mandamus is not permissible in the light of Apex Court's decision in the case of *Mani Subrat Jain V. State of Haryana & Ors.* reported in *A.I.R. 1977 SC 276*.

6. Accordingly, the instant petition stands disposed of reserving liberty to the petitioner to file a detail



representation before the competent authority within a period of eight weeks from the date of receipt of this order. If such representation is submitted, competent authority to examine and pass appropriate order and communicate the same to the petitioner.

(P. B. Bajanthri, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

