

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.1489 of 2011**

**IN**

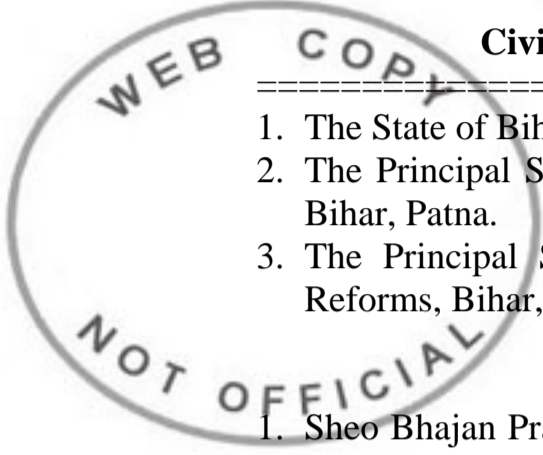
**Civil Writ Jurisdiction Case No. 8418 of 2010**

- =====
1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
  2. The Principal Secretary, Department of Human Resources Development, Bihar, Patna.
  3. The Principal Secretary, Department of Personnel and Administrative Reforms, Bihar, Patna.

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Versus

1. Sheo Bhajan Prasad Diwakar S/O Late Ram Bhushan Prasad R/O Village Telhara, P.S. Telhara, District-Nalanda.
2. Dharmendra Kumar Kaushik S/O Late Ram Chandra Prasad Sinha R/O Village Suhawanpur Surhi, P.S. Khudaganj, District-Nalanda.
3. Arun Kumar Sinha S/O Shri Brahmadeo Prasad R/O Village Gopalbad, P.S. Sarmera, District-Nalanda.
4. Anil Kumar Singh S/O Shri Prakash Singh R/O Village Raitar, P.S. Giriyak, District-Nalanda.
5. Ayodhya Prasad S/O Late Hari Mahto R/O Village Raitar, P.S. Giriyak, District-Nalanda.
6. Shrikant Pandey S/O Late Ramchandra Pandey R/O Village Ghosrawan, P.S. Giriyak, District-Nalanda.
7. Munna Kumar S/O Shri Kapil Ram R/O Village Kurwapar, P.S. Nagar Giriyak, District-Nalanda.
8. Suresh Prasad S/O Late Prasadi Mahto R/O Village Raitar, P.S. Giriyak, District-Nalanda.
9. Manju Kumari W/O Ranjit Kumar Singh R/O Village Saindih, P.S. Giriyak, District-Nalanda.
10. Arun Choudhary S/O Late Sitaram Choudhary R/O Village Rupaspur, P.S. Giriyak, District-Nalanda.
11. Banaras Choudhary S/O Lakshman Choudhary R/O Village Rupaspur, P.S. Giriyak, District-Nalanda.
12. Indu Kumari S/O Shri Sanjay Kumar R/O Village Isua, P.S. Giriyak, District-Nalanda.
13. Sangita Kumari D/O Surendra Prasad Morya R/O Village Raitar, P.S. Giriyak, District-Nalanda.
14. Umesh Prasad S/O Bandhu Mahto R/O Village Raitar, P.S. Giriyak, District-Nalanda.
15. Sheo Prasad Kushwaha S/O Late Jago Mahto R/O Village Raitar, P.S. Giriyak, District-Nalanda.
16. Raj Kumar Rabidas S/O Faguni Rabidas R/O Village Raitar, P.S. Giriyak, District-Nalanda.



17. Ram Pravesh Kumar S/O Dasrath Prasad Yadav R/O Village Dirganagar, P.S. Giriyak, District-Nalanda.
18. Binod Kumar Sapera S/O Baleshwar Sapera R/O Village Raitar, P.S. Giriyak, District-Nalanda.
19. Rajendra Prasad S/O Shri Kameshwar Ram R/O Village Raitar, P.S. Giriyak, District-Nalanda.
20. Kiran Kumari Kushwaha D/O Shri Yogendra Prasad R/O Village Raitar, P.S. Giriyak, District-Nalanda.
21. Saryug Prasad S/O Late Hari Mahto R/O Village Raitar, P.S. Giriyak, District-Nalanda.
22. Renu Kumari W/O Mritunjay Kumar R/O Village Sikarpur, P.S. Giriyak, District-Nalanda.
23. Nageshwar Prasad Singh S/O Shri Dilchand Prasad R/O Village Sikarganj, P.S. Giriyak, District-Nalanda.
24. Phulan Kumari D/O Late Ragho Mahto R/O Village Raitar, P.S. Giriyak, District-Nalanda.
25. Ishwar Prasad S/O Basudeo Mahto R/O Village Tarapur, P.S. Giriyak, District-Nalanda.
26. Nandal Prasad S/O Ganori Mahto R/O Village Durgapur, P.S. Giriyak, District-Nalanda.
27. Sanjuula Kumari D/O Ramji Mahto R/O Village Saidih, P.S. Giriyak, District-Nalanda.
28. Arvind Kumar S/O Late Mahabir Prasad R/O Village Durganagar, P.S. Giriyak, District-Nalanda.
29. Rambilash Prasad Sinha S/O Dasrath Yadav R/O Village Durganagar, P.S. Giriyak, District-Nalanda.
30. Premlata Sinha W/O Sudama Prasad R/O Village Tarapur, P.S. Giriyak, District-Nalanda.
31. Renu Devi D/O Ashok Prasad R/O Village Tarapur, P.S. Giriyak, District-Nalanda.
32. Shila Devi D/O Anil Prasad R/O Village Dasrathpur, P.S. Giriyak, District-Nalanda.
33. Rita Devi D/O Jitendra Giri R/O Village Puranbigaha, P.S. Giriyak, District-Nalanda.
34. Meena Devi D/O Bisheshwar Prasad R/O Village Kandopur, P.S. Giriyak, District-Nalanda.
35. Sanju Devi D/O Biresh Prasad R/O Village Bhojpur, P.S. Giriyak, District-Nalanda.
36. Manorma Devi D/O Kapildeo Prasad R/O Village Raitar, P.S. Giriyak, District-Nalanda.
37. Rajnandan Prasad S/O Sheonandan Prasad R/O Village Kandopur, P.S. Giriyak, District-Nalanda.
38. Chhotelal Choudhary S/O Late Sohrai Chaoudhary R/O Village Raitar, P.S. Giriyak, District-Nalanda.

39. Bindeshwar Prasad S/O Shri Mohan Yadav R/O Village Kalibigha, P.S. Giriyak, District-Nalanda.
40. Arun Bigha S/O Late Chamari Prasad R/O Village Dolachak, P.S. Giriyak, District-Nalanda.
41. Usha Sinha D/O Srun Kumar R/O Village Dolachak, P.S. Giriyak, District-Nalanda.
42. Pramod Kumar S/O Kailash Prasad R/O Village Guljarbigha, P.S. Giriyak, District-Nalanda.
43. Patel Kumar S/O Late Birendra Prasad R/O Village Rahimchak, P.S. Giriyak, District-Nalanda.
44. Binod Kumar Sinha S/O Shri Sohan Mahto R/O Village Bhojpur, P.S. Giriyak, District-Nalanda.
45. Anil Kumar Sinha S/O Shri Rameshwar Mahto R/O Village Barakar, P.S. Giriyak, District-Nalanda.
46. Arun Kumar S/O Late Rajendra Singh R/O Village Ghosrawan, P.S. Giriyak, District-Nalanda.
47. Ram Naresh Prasad S/O Shri Yamuna Prasad R/O Village Ghosrawan, P.S. Giriyak, District-Nalanda.
48. Anil Kumar Singh S/O Shri Satdeo Prasad Sharma R/O Village Ghosrawan, P.S. Giriyak, District-Nalanda.
49. Sanju Kumari D/O Shri Harish Prasad Singh R/O Village Ghosrawan, P.S. Giriyak, District-Nalanda.
50. Pankaj Kumar S/O Late Madan Mohan Singh R/O Village Ghosrawan, P.S. Giriyak, District-Nalanda.
51. Sheonandan Prasad S/O Shri Deoki Yadav R/O Village Ghosrawan, P.S. Giriyak, District-Nalanda.
52. Krishna Ballabh Prasad Sinha S/O Late Kameshwar Prasad R/O Village Ranisarai, P.S. Giriyak, District-Nalanda.
53. Rajo Prasad S/O Late Malik Mahto R/O Village Sakuchidih, P.S. Katarisarai, District-Nalanda.
54. Sanjay Choudhary S/O Late Kishori Choudhary R/O Village Ghosrawan, P.S. Giriyak, District-Nalanda.
55. Sanjay Kumar S/O Baleshwar Raut R/O Village Dasrathpur, P.S. Giriyak, District-Nalanda.
56. Sudhir Kumar S/O Shri Sundar Ram R/O Village Puri, P.S. Giriyak, District-Nalanda.
57. Renu Kumari D/O Shri Sundar Ram R/O Village Puri, P.S. Giriyak, District-Nalanda.
58. Amrendra Kumar S/O Shri Naresh Singh R/O Village Puri, P.S. Giriyak, District-Nalanda.
59. Bivha Kumari D/O Shri Anandi Singh R/O Village Puri, P.S. Giriyak, District-Nalanda.
60. Raghunandan Prasad S/O Late Bhikhari Mahto R/O Village Sikarpur, P.S. Giriyak, District-Nalanda.

61. Tulsi Choudhary S/O Late Saho Choudhary R/O Village Rupaspur, P.S. Giriyak, District-Nalanda.
62. Bachchu Choudhary S/O Madan Choudhary R/O Village Rupaspur, P.S. Giriyak, District-Nalanda.
63. Dharmendra Kumar S/O Shri Ramchandra Singh R/O Village Pyarepur, P.S. Giriyak, District-Nalanda.
64. Narendra Pandit S/O Late Bullak Pandit R/O Village Sakuchisarai, P.S. Giriyak, District-Nalanda.
65. Ram Balak Manjhi S/O Late Sonu Manjhi R/O Village Sakuchidih, P.S. Katarisarai, District-Nalanda.
66. Ashok Kumar S/O Late Chandrika Singh R/O Village Saidi, P.S. Katarisarai, District-Nalanda.
67. Neelam Kumari W/O Hare Ram Prasad Singh R/O Village Saidi, P.S. Katarisarai, District-Nalanda.
68. Ranju Kumari D/O Bolayati Singh R/O Village Katona, P.S. Katarisarai, District-Nalanda.
69. Shashi Bhushan Thakur S/O Late Harkhit Thakur R/O Village Katona, P.S. Katarisarai, District-Nalanda.
70. Ramdulari Sinha W/O Chhotelal Singh R/O Village Katona, P.S. Katarisarai, District-Nalanda.
71. Ram Prasad Kumar S/O Late Bal Mahto R/O Village Mayapur, P.S. Katarisarai, District-Nalanda.
72. Subodh Prasad S/O Late Bankey Prasad R/O Village Mera, P.S. Katarisarai, District-Nalanda.
73. Shyama Kumari W/O Ashutosh Prasad R/O Village Lohrajpur, P.S. Katarisarai, District-Nalanda.
74. Binay Kumar S/O Brij Nandan Prasad R/O Village Bajrabad, P.S. Ekangarsarai, District-Nalanda.
75. Madhuri Kumari W/O Shri Binod Prasad R/O Village Udaypur, P.S. Ekangarsarai, District-Nalanda.
76. Awadhesh Kumar Sinha S/O Raj Kishore Prasad Sinha R/O Village Dawabigha, P.S. Aungaridham, District-Nalanda.
77. Madhuri Kumari W/O Bhushan Prasad R/O Village Narai, P.S. Ekangarsarai, District-Nalanda.
78. Bibha Kumari W/O Upendra Prasad R/O Village Jagai, P.S. Ekangarsarai, District-Nalanda.
79. Anil Prasad W/O Late Sitaram Mahto R/O Village Dhangawan, P.S. Telhara, District-Nalanda.
80. Shakila Kumari W/O Parsuram Prasad R/O Village Udaypur, P.S. Ekangarsarai, District-Nalanda.
81. Nasresh Pandit S/O Late Munshi Pandit R/O Village Telhara, P.S. Telhara, District-Nalanda.
82. Koshlendra Kumar S/O Shri Bhagwat Prasad R/O Village Kundwapar, P.S. Ekangarsarai, District-Nalanda.

83. Ram Swarup Kumar S/O Shri Nawal Kishore Prasad R/O Village Kundwapar, P.S. Ekangarsarai, District-Nalanda.
84. Sanjay Kumar S/O Late Rameshwar Ram R/O Village Dhangawan, P.S. Telhara, District-Nalanda.
85. Anupam Kumari D/O Shri Ram Bhajan Prasad, R/O Village Danhar, P.S. Ekangarsarai, District-Nalanda.
86. Kumari Moni Sinha W/O Shakti Prakash R/O Village Telhara, P.S. Telhara, District-Nalanda.
87. Bhushan Prasad S/O Baldeo Prasad R/O Village Usmanpur, P.S. Ekangarsarai, District-Nalanda.
88. Anju Kumari W/O Rajeshwar Prasad R/O Village Par Bigha, P.S. Ekangarsarai, District-Nalanda.
89. Ved Prakash Verma S/O Shri Baliram Prasad R/O Village Sadikpur, P.S. Telhara, District-Nalanda.
90. Pankaj Kumar Chakraworti S/O Durga Prasad R/O Village Dharambigha, P.S. Telhara, District-Nalanda.
91. Prem Prakash S/O Late Amrit Prasad R/O Village Sondiha, P.S. Telhara, District-Nalanda.
92. Upendra Paswan S/O Yaddu Ram R/O Village Sarmera, P.S. Sarmera, District-Nalanda.
93. Pramod Kumar S/O Sidheshwar Prasad Singh R/O Village Sarmera, P.S. Sarmera, District-Nalanda.
94. Ram Kiran Singh S/O Late Bankey Singh R/O Village Sarmera, P.S. Sarmera, District-Nalanda.
95. Mahesh Prasad S/O Brahmadeo Prasad R/O Village Ahiyapur, P.S. Sarmera, District-Nalanda.
96. Mohammad Daud Ali Ahmad S/O Mahammad Barkat Pullah R/O Village Mirnagar, P.S. Sarmera, District-Nalanda.
97. Satyendra Kumar Trivedi S/O Late Bidyapati Trivedi R/O Village Pyrepur, P.S. Sarmera, District-Nalanda.
98. Shyam Sundar Prasad S/O Late Musafir Mahto R/O Village Manachak, P.S. Sarmera, District-Nalanda.
99. Vijay Kumar Chohan S/O Shri Shyamdeo Chohan R/O Village ,Ohanpur, P.S. Sarmera, District-Nalanda.
100. Anil Kumar S/O Shri Bundilal Mistri R/O Village Mirnagar, P.S. Sarmera, District-Nalanda.
101. Kumari Rekha Sinha W/O Braj Bhushan Prasad R/O Village Gangabigha, P.S. Karai Parshurai, District-Nalanda.
102. Anuradha Sinha W/O Gopal Sharan Sinha R/O Village Salempur, P.S. Karai Parshurai, District-Nalanda.
103. Birendra Prasad S/O Shri Saryug Prasad R/O Village Nesra, P.S. Karai Parshurai, District-Nalanda.
104. Rajesh Kumar Verma S/O Late Mathura Prasad R/O Village Chhitarbigha, P.S. Karai Parshurai, District-Nalanda.

105. Suresh Pandit S/O Late Gajo Pandit R/O Village Parshurai, P.S. Karai Parshurai, District-Nalanda.
106. Kiran Kumari D/O Shailendra Kumar R/O Village Berthu, P.S. Karai Parshurai, District-Nalanda.
107. Yogendra Prasad S/O Late Dukhi Prasad R/O Village Kamarthu, P.S. Karai Parshurai, District-Nalanda.
108. Rajesh Kumar S/O Pahalwan Paswan R/O Village Berthu, P.S. Karai Parshurai, District-Nalanda.
109. Anita Kumari W/O Sheo Kumar Prasad R/O Village Kamarthu, P.S. Karai Parshurai, District-Nalanda.
110. Chandrika Prasad S/O Ramyatan Prasad R/O Village Kamarthu, P.S. Karai Parshurai, District-Nalanda.
111. Anju Kumari W/O Shailendra Kumar R/O Village Kamarthu, P.S. Karai Parshurai, District-Nalanda.
112. Ripu Kumari W/O Braj Kishore Prasad R/O Village Amat, P.S. Karai Parshurai, District-Nalanda.
113. Sabita Kumari W/O Shyam Kishore Singh R/O Village Mogalbigha, P.S. Karai Parshurai, District-Nalanda.
114. Rajesh Kumar S/O Chalitra Rabidas R/O Village Chandrapura, P.S. Karai Parshurai, District-Nalanda.
115. Anita Kumari W/O Anil Prasad R/O Village Chandrapura, P.S. Karai Parshurai, District-Nalanda.
116. Kumari Prema Sinha D/O Mathura Prasad R/O Village Thalimchak, P.S. Karai Parshurai, District-Nalanda.
117. Sabita Kumari D/O Mithlesh Kumar R/O Village Pakari-Ke-Bigha, P.S. Karai Parshurai, District-Nalanda.
118. Dinesh Prasad S/O Deyasharan Prasad R/O Village Belondhapar, P.S. Karai Parshurai, District-Nalanda.
119. Umeshwar Prasad S/O Subhash Prasad R/O Village Mahamadpur, P.S. Karai Parshurai, District-Nalanda.
120. Kumari Pramila W/O Krishna Choudhary R/O Village Binsakhurd, P.S. Karai Parshurai, District-Nalanda.
121. Naresh Kumar Sinha S/O Ramchandra Prasad R/O Village Naubatpur, P.S. Manpur, District-Nalanda.
122. Anuj Kumar S/O Shri Ram Jatan Singh R/O Village Nobatpur, P.S. Manpur, District-Nalanda.
123. Ashok Kumar S/O Shri Sanichar Mahto R/O Village Nagwan, P.S. Manpur, District-Nalanda.
124. Sapindra Kumar S/O Shri Rajendra Prasad R/O Village Uprawan, P.S. Biharsharif, District-Nalanda.
125. Neelam Kumari W/O Balram Prasad R/O Village Dumrawan, P.S. Deepnagar, District-Nalanda.
126. Satyendra Prasad S/O Shri Bishnudeo Mahto R/O Village Kewali, P.S. Khodaganj, District-Nalanda.

127. Pratima Kumari W/O Mahendra Kumar Sinha R/O Village Gilani, P.S. Sor, District-Nalanda.
128. Yadunandan Rabidas S/O Shri Prabhu Chand Rabidas R/O Village Bharbigha, P.S. Hilsa, District-Nalanda.
129. Nandlal Prasad S/O Ram Pyare Prasad R/O Village Dahabigha, P.S. Hilsa, District-Nalanda.
130. Urmila Sinha W/O Arjun Prasad Singh R/O Village Majidpur, P.S. Hilsa, District-Nalanda.
131. Sushma Kumari W/O Baiju Prasad R/O Village Makanpur, P.S. Hilsa, District-Nalanda.
132. Krishna Ballabh Prasad S/O Late Sadhusharan Prasad R/O Village Bhagatpur, P.S. Hilsa, District-Nalanda.
133. Saryug Prasad S/O Shri Girija Nandan Prasad R/O Village Beldaripar, P.S. Silao, District-Nalanda.
134. Sanjay Kumar S/O Shri Ram Lakhan Das R/O Village Sore, P.S. And District-Nalanda.
135. Hans Kumar Paswan S/O Shri Prabhu Paswan R/O Village Sore, P.S. And District-Nalanda.
136. Sita Devi W/O Suresh Prasad R/O Village Balchand Bigha, P.S. Silao, District-Nalanda.
137. Santosh Manjhi S/O Shri Kesho Manjhi R/O Village Bhagwanpur, P.S. Silao, District-Nalanda.
138. Lalan Kumar S/O Late Lakhan Prasad R/O Village Ben, P.S. Silao, District-Nalanda.
139. Sulochna Kumari W/O Ojir Pandit R/O Village Dharhara, P.S. Silao, District-Nalanda.
140. Binod Kumar S/O Late Brahmadeo Pandit R/O Village Dharhara, P.S. Silao, District-Nalanda.
141. Ojir Pandit S/O Shri Shukar Pandit R/O Village Dharhara, P.S. Silao, District-Nalanda.
142. Mahesh Kumar S/O Shri Ram Jajtan Prasad R/O Village + P.S. Nagarnosa, District-Nalanda.
143. Ajit Kumar Singh S/O Shri Chandeshwar Prasad R/O Village Mahampur, P.S.-Chandi, District-Nalanda.
144. Kumari Rekha Sinha W/O Arun Prasad R/O Village Mushari, P.S. Chandi, District-Nalanda.
145. Ravindra Choudhary S/O Late Karu Choudhary R/O Village Mushari, P.S. Chandi, District-Nalanda.
146. Usha Kumari W/O Shagondra Prasad R/O Village Mahampur, P.S. Nagarnosa, District-Nalanda.
147. Santosh Kumar S/O Jannki Mahto R/O Village Lodipur, P.S. Nagarnosa, District-Nalanda.
148. Neelam Kumari D/O Chandeshwar Prasad R/O Village + P.S. Nagarnosa, District-Nalanda.

149. Shanti Devi W/O Late Sukdeo Prasad R/O Village Nagarnosa, P.S. Nagarnosa, District-Nalanda.
150. Umesh Choudhary S/O Shri Fakir Chandra Choudhary R/O Village Nagarnosa, P.S. Nagarnosa, District-Nalanda.
151. Ram Lakhan Prasad S/O Shri Deocharan Prasad R/O Village Salempur, P.S. Nagarnosa, District-Nalanda.
152. Kosma Kumari W/O Late Sunil Kumar R/O Village Usmanpur, P.S. Nagarnosa, District-Nalanda.
153. Mithilesh Kumar S/O Late Narayan Mahto R/O Village Soa, P.S. Chandi, District-Nalanda.
154. Jayanti Nilam W/O Birendra Kumar R/O Village Nagarnosa, P.S. Nagarnosa, District-Nalanda.
155. Kumari Manti Sinha W/O Ram Pravesh Singh R/O Village Badiha, P.S. Nagarnosa, District-Nalanda.
156. Renu Kumari W/O Dharmendra Prasad R/O Village Badiha, P.S. Nagarnosa, District-Nalanda.
157. Randhir Kumar S/O Shri Deo Ratan Singh R/O Village Hematpur, P.S. Nagarnosa, District-Nalanda.
158. Sanju Sinha W/O Sushil Kumar R/O Village Prasdiha, P.S. Nagarnosa, District-Nalanda.
159. Krishnanandan Prasad S/O Shri Ram Sahay Prasad R/O Village Ariyawan, P.S. Nagarnosa, District-Nalanda.
160. Kumari Rita Sinha W/O Nitul Kumar R/O Village Kewai, P.S. Nagarnosa, District-Nalanda.
161. Veenita Sinha W/O Sudhir Prasad R/O Village Batwa, P.S. Nagarnosa, District-Nalanda.
162. Upendra Kumar S/O Shri Janki Prasad R/O Village Murlichak, P.S. Nagarnosa, District-Nalanda.
163. Sunita Kumari W/O Ramprit Prasad R/O Village Murlichak, P.S. Nagarnosa, District-Nalanda.
164. Satish Kumar Patel S/O Late Khishiyal Mahto R/O Village Kharjama, P.S. Nagarnosa, District-Nalanda.
165. Rajnikanta Kumari W/O Rajesh Prasad R/O Village Bhutahakhar, P.S. Nagarnosa, District-Nalanda.
166. Kiran Kumari W/O Umesh Prasad R/O Village Nagarnosa, P.S. Nagarnosa, District-Nalanda.
167. Subhadra Kumari W/O Rajnikant Chand R/O Village Lodipur, P.S. Nagarnosa, District-Nalanda.
168. Ranjit Kumar S/O Shri Krishna Prasad R/O Village Sarapar, P.S. Chandi, District-Nalanda.
169. Asha Kumari W/O Chandra Mohan Kumar R/O Village Kharjama, P.S. Nagarnosa, District-Nalanda.
170. Premlata Kumari Sinha W/O Rajesh Kumar R/O Village Bishunpur, P.S. Nagarnosa, District-Nalanda.

171. Abhinash Kumar S/O Shri Chandeshwari Prasad R/O Village Awawon, P.S. Bind, District-Nalanda.
172. Siya Sharan Choudhary S/O Late Jangali Choudhary R/O Village Ambabigha, P.S. Sare, District-Nalanda.
173. Son Bind S/O Late Govinde Bind R/O Village Benar, P.S. Sare, District-Nalanda.
174. Ayusmati Kumari (Devi) W/O Arna Kumar R/O Village Benar, P.S. Sare, District-Nalanda.
175. Dinesh Kumar S/O Shri Baldeo Ravidas R/O Village Gilani, P.S. Sare, District-Nalanda.
176. Md. Matin Uddin S/O Late Nawijan R/O Village Gilani, P.S. Sare, District-Nalanda.
177. Kanchan Lata D/O Birendra Prasad R/O Village Gilani, P.S. Sare, District-Nalanda.
178. Surendra Prasad S/O Late Kameshwar Paswan R/O Village Alinagar, P.S. Sare, District-Nalanda.
179. Sheokumar Prasad S/O Late Pyare Mahto R/O Village Bhalwan, P.S. Sare, District-Nalanda.
180. Minta Kumari W/O Anil Kumar Verma R/O Village Mujaffapur, P.S. Noorsarai, District-Nalanda.
181. Dharmendra Kumar S/O Shri Prasadi Mahto R/O Village Khemanbigha, P.S. Noorsarai, District-Nalanda.
182. Kumari Nirmala Sinha D/O Late Ramjee Prasad R/O Village Yamunapur Bigha, P.S. Noorsarai, District-Nalanda.
183. Parmeshwar Pandit S/O Late Dumar Pandit R/O Village Jagdishpur, P.S. Noorsarai, District-Nalanda.
184. Sheomani Prasad S/O Yadunandan Prasad R/O Village Basokhandha, P.S. Noorsarai, District-Nalanda.
185. Surendra Prasad Yadav S/O Shri Gyanchand Prasad Yadav R/O Village Yamunapur, P.S. Noorsarai, District-Nalanda.
186. Arvind Kumar S/O Late Bashant Das R/O Village Lakhichak, P.S. Noorsarai, District-Nalanda.
187. Kamlesh Kumar Bind S/O Shri Rajeshwari Prasad R/O Village Dariyapur, P.S. Noorsarai, District-Nalanda.
188. Urmila Kumari W/O Arjun Prasad R/O Village Dariyapur, P.S. Noorsarai, District-Nalanda.
189. Sheoshankar Kumar S/O Shri Ramchandra Mistri R/O Village Kewaibigha, P.S. Noorsarai, District-Nalanda.
190. Parshuram Sharma S/O Prasadi Singh R/O Village Madhopur Bagpur, P.S. Parwalpur, District-Nalanda.
191. Manju Kumari D/O Chandradip Prasad R/O Village Gajni Bigha, P.S. Parwalpur, District-Nalanda.
192. Ramdhin Prasad S/O Late Baleshwar Jamadar R/O Village Mathpar, P.S. Parwalpur, District-Nalanda.

193. Sanjay Kuamr S/O Suresh Prasad Singh R/O Village Nathubigha, P.S. Parwalpur, District-Nalanda.
194. Lila Kumari D/O Shri Arna Prasad R/O Village Pilich, P.S. Parwalpur, District-Nalanda.
195. Mohan Prasad S/O Late Sheo Prasad R/O Village Chhatarbigha, P.S. Bind, District-Nalanda.
196. Girish Kumar Sharma S/O Shri Bhagwat Sharma R/O Village Ibrahimipur, P.S. Bind, District-Nalanda.
197. Premlata Sinha D/O Shri Satyendra Kumar Singh R/O Village Mirachak, P.S. Bind, District-Nalanda.
198. Sarbil Sinha S/O Shri Nandlal Prasad R/O Village Chhatarbigha, P.S. Bind, District-Nalanda.
199. Ranjan Kumar S/O Shri Birendra Prasad R/O Village Ibrahimipur, P.S. Bind, District-Nalanda.
200. Ravindra Kumar S/O Late Lala Das R/O Village Hasanchak, P.S. Harnot, District-Nalanda.
201. Munindra Prasad Singh S/O Shri Ramswarath Singh R/O Village Berhna, P.S. Harnot, District-Nalanda.
202. Anil Kumar S/O Shri Parmanand Mahto R/O Village Daili, P.S. Harnot, District-Nalanda.
203. Neelam Kumari W/O Sikander Singh R/O Village Mahathwar, P.S. Harnot, District-Nalanda.
204. Pramila Kumari D/O Shri Bhushan Singh R/O Village Sawanhua Babanbigha, P.S. Harnot, District-Nalanda.
205. Sundar Bind S/O Late Pradip Bind R/O Village Tarbigha, P.S. Harnot, District-Nalanda.
206. Manju Kumari D/O Shri Ravindra Prasad R/O Village Dihara, P.S. Harnot, District-Nalanda.
207. Umesh Prasad S/O Shri Shriprasad R/O Village Jorarpur, P.S. Harnot, District-Nalanda.
208. Madhavi Kumari D/O Shri Ramanand Koshil R/O Village Dhostawan, P.S. Silao, District-Nalanda.
209. Surendra Choudhary S/O Shri Mushari Choudhary R/O Village Kariyanna, P.S. Silao, District-Nalanda.
210. Sheo Balak Rabidas S/O Shri Nanhaku Rabidas R/O Village Surumpur, P.S. Silao, District-Nalanda.
211. Sunil Kumar S/O Shri Moti Singh R/O Village Pawadih, P.S. Silao, District-Nalanda.
212. Ravindra Prasad S/O Shri Chamari Mahto R/O Village Kariyanna, P.S. Silao, District-Nalanda.
213. Dashrath Yadav S/O Musafir Yadav R/O Village Khemjibigha, P.S. Silao, District-Nalanda.
214. Suresh Prasad Yadav S/O Shri Jethan Yadav R/O Village Tetarbigha, P.S. Silao, District-Nalanda.

215. Om Prakash Yadav S/O Late Govind Sao R/O Village Dhamar, P.S. Silao, District-Nalanda.
216. Bebi Kumari D/O Shri Bhagirath Kumar R/O Village Tetarbigaha, P.S. Silao, District-Nalanda.
217. Tuntun Prasad S/O Shri Rohan Prasad R/O Village Tetarbigaha, P.S. Silao, District-Nalanda.
218. Sikandar Chaoudhary S/O Shri Ramchandra Chopudhary R/O Village Kariyanna, P.S. Silao, District-Nalanda.
219. Roshan Kumar S/O Shri Ramotar Yadav R/O Village Shamsera, P.S. Silao, District-Nalanda.
220. Maya Kumari D/O Shri Sunil Kumar R/O Village Dhamar, P.S. Silao, District-Nalanda.
221. Sulekha Kumari D/O Shri Chandramani Prasad R/O Village Dhamar, P.S. Silao, District-Nalanda.
222. Shambhu Nath S/O Shri Ram Sarowar Prasad R/O Village Adalchak, P.S. Dharthari, District-Nalanda.
223. Om Prakash Sharma S/O Shri Bhatu Sharma R/O Village Amba, P.S. Rahui, District-Nalanda.
224. Jitendra Ram S/O Shri Krishna Ram R/O Village Kadibigha, P.S. Rahui, District-Nalanda.
225. Chanchila Kumari D/O Shri Amresh Prasad R/O Village Dekpura, P.S. Rahui, District-Nalanda.
226. Gariban Paswan S/O Sri Chandeshwar Paswan R/O Village Dekpura, P.S. Rahui, District-Nalanda.
227. Mahendra Paswan S/O Shri Chandeshwar Paswan R/O Village Dekpura, P.S. Rahui, District-Nalanda.
228. Kanhaiya Kumar S/O Shri Gobardhan Yadav R/O Village Churaman Bigha, P.S. Rahui, District-Nalanda.
229. Ajay Kumar S/O Shri Sheonandan Prasad R/O Village Amba, P.S. Rahui, District-Nalanda.
230. Binod Kumar S/O Shri Dayanand Prasad R/O Village Kadibigha, P.S. Rahui, District-Nalanda.
231. Sigeshwar Ravidas S/O Shri Bindeshwar Ravidas R/O Village Kajichak, P.S. Rahui, District-Nalanda.
232. Anjani Kumari Singh S/O Late Ramsharan Singh R/O Village Churaman Bigha, P.S. Bena, District-Nalanda.
233. Sureskha Kumari D/O Shri Arvind Prasad R/O Village Supasang, P.S. Bena, District-Nalanda.
234. Minta Kumari D/O Sudhir Prasad R/O Village Dekpura, P.S. Rahui, District-Nalanda.
235. Savindra Prasad S/O Shri Kailash Prasad R/O Village Supasang, P.S. Bena, District-Nalanda.
236. Munirak Prasad S/O Shri Baleshwar Prasad R/O Village Dhamasang, P.S. Rahui, District-Nalanda.

237. Shambhu Kumar S/O Late Ramji Mahto R/O Village Pathna, P.S. Bena, District-Nalanda.
238. Ramesh Prasad S/O Ramashish Pd. R/O Village Amba, P.S. Rahui, District-Nalanda.
239. Ram Pravesh Kumar S/O Dhurkheli Mochi R/O Village Pathna, P.S. Bena, District-Nalanda.
240. Yogendra Prasad S/O Late Kashi Prasad R/O Village Bhaganbigha, P.S.-Rahui, District-Nalanda.
241. Usha Kumari D/O Shri Surendra Prasad R/O Village Pathna, P.S. Bena, District-Nalanda.
242. Awadhesh Kumar S/O Shri Kishori Prasad R/O Village Sihuli, P.S. Bena, District-Nalanda.
243. Harendra Prasad S/O Shri Raghunandan Prasad R/O Village Dosut, P.S. Bena, District-Nalanda.
244. Mina Kumari D/O Shri Bindeshwar Prasad R/O Village Bandih, P.S. Rahui, District-Nalanda.
245. Kumari Rina Sinha W/O Shri Sanjay Kumar R/O Village Moratalab, P.S. Rahui, District-Nalanda.
246. Ranjit Kumar S/O Shri Baleshwar Prasad R/O Village Dhamasang, P.S. Rahui, District-Nalanda.
247. Shakuntala Kumari D/O Shri Shashi Bhushan Prasad R/O Village Salempur, P.S. Bena, District-Nalanda.
248. Kusum Kumari D/O Shri Abina Prasad R/O Village Salempura, P.S. Bena, District-Nalanda.
249. Md. Shoab Ahmad S/O Md. Tahir R/O Village Moratalab, P.S. Rahui, District-Nalanda.
250. Manju Kumari D/O Shri Awadhesh Prasad R/O Village Bendoh, P.S. Rahui, District-Nalanda.
251. Anil Kumar S/O Late Sidheshwar Prasad R/O Village Beldar Bigha, P.S. Chhabilapur, District-Nalanda.
252. Sudhir Kumar S/O Shri Yadunandan Prasad R/O Village Gorayabigha, P.S. Katrisarai, District-Nalanda.
253. Manju @ Mina Kumari W/O Sudhir Kumar R/O Village Gorayabigha, P.S. Katrisarai, District-Nalanda.
254. Mina Devi W/O Koleshwar Paswan R/O Village Dolachak, P.S. Giriyak, District-Nalanda.
255. Pramod Kumar S/O Shri Budhan Mahto R/O Village Dolachak, P.S. Giriyak, District-Nalanda.
256. Usha Devi W/O Jay Prakash R/O Village Muzaffarpur, P.S. Noorsarai, District-Nalanda.
257. Sunil Kumar S/O Shri Baso Paswan R/O Village Pathrora, P.S. Noorsarai, District-Nalanda.
258. Ramanuj Prasad Singh S/O Damodar Prasad R/O Village Bedoli, P.S. Sare, Noorsarai, District-Nalanda.

259. Kumari Veenita Sinha D/O Surendra Prasad R/O Village Benar, P.S. Asthawan, District-Nalanda.
260. Rekha Kumari D/O Kaushkendra Kumar R/O Village Khorampur, P.S. Asthawan, District-Nalanda.
261. Shashi Bimal Kumari D/O Shri Satyendra Kumar R/O Village Lohari, P.S. Noorsarai, District-Nalanda.
262. Chandrakanta Kumari W/O Sagar Lal R/O Village Barsima, P.S. Telhara, District-Nalanda.
263. Kumari Sarita Sinha W/O Birendra Prasad R/O Village Maharajganj, P.S. Ekangarsarai, District-Nalanda.
264. Sunil Kumar S/O Late Deonarayan Sao R/O Village Telhara, P.S. Telhara, District-Nalanda.
265. Dhanesh Paswan S/O Late Karu Paswan R/O Village Korthumahima, P.S. Telhara, District-Nalanda.
266. Umesh Kumar Manjhi S/O Late Nagendra Manjhi R/O Village Gurusharanpur, P.S. Silao, District-Nalanda.
267. Indu Kumari D/O Sadhusharan Prasad R/O Village Akaidpar, P.S. Silao, District-Nalanda.
268. Sarita Sinha D/O Sushil Kumar Choudhary R/O Village Praduman Bigha, P.S. Nalanda, District-Nalanda.
269. Birendra Kumar S/O Baleshwar Prasad R/O Village Babhaniyawan, P.S. Nalanda, District-Nalanda.
270. Mahendra Prasad S/O Late Yugal Prasad R/O Village Babhaniyawan, P.S. Nalanda, District-Nalanda.
271. Ram Bilash Paswan S/O Chhotu Paswan R/O Village Marsua, P.S. Nalanda, District-Nalanda.
272. Surendra Prasad S/O Baleshwar Prasad R/O Village Babhaniyawan, P.S. Nalanda, District-Nalanda.
273. Saraswati Kumari W/O Surendra Prasad R/O Village Babhaniyawan, P.S. Nalanda, District-Nalanda.
274. Sachchin Prasad S/O Ram Pravesh Prasad R/O Village Raitha, P.S. Chandi, District-Nalanda.
275. Sulakshna Kumari D/O Ranjit Kumar R/O Village Lalganj, P.S. Chandi, District-Nalanda.
276. Indu Kumari D/O Arvind Prasad R/O Village Shapur, P.S. Nagarnosa, District-Nalanda.
277. Dinkar Mistri S/O Shri Bhuletan Mistri R/O Village + P.S. Daniawan, District-Nalanda.
278. Urmila Kumari Sinha D/O Shri Mundrika Prasad Singh R/O Village Top, P.S. Daniawan, District-Nalanda.
279. Bindu Kumari W/O Bijay Kumar R/O Village Pirbadona, P.S. Daniawan, District-Patna.
280. Vinita Kumari Sinha D/O Shri Pashupati Nath Singh R/O Village Bakipur, P.S. Fatwah, District-Patna.

281. Dharmshila Kumari W/O Badri Prasad R/O Village + P.S. Daniawan, District-Patna.
282. Neelam Kumari D/O Vijay Mistri R/O Village Nawichak, P.S. Shahjahanpur, District-Patna.
283. Bibha Kumari W/O Dharmendra Paswan R/O Village Nurichak, P.S. Shahjahanpur, District-Patna.
284. Krishna Paswan S/O Late Baleshwar Paswan R/O Village Nurichak, P.S. Shahjahanpur, District-Patna.
285. Prawila Kumari W/O Pradeep Prasad R/O Village Bhagwanpur, P.S. Chandi, District-Nalanda.
286. Sushila Kumari W/O Umesh Pandit R/O Village Bhagwanpur, P.S. Chandi, District-Nalanda.
287. Kumari Puspa Sinha W/O Akhilesh Kumar R/O Village Sarthua, P.S. Shahjahanpur, District-Nalanda.
288. Asha Kumari W/O Santosh Prasad R/O Village Nurichak, P.S. Shahjahanpur, District-Patna.
289. Mahesh Paswan S/O Ayodhya Paswan R/O Village Nurichak, P.S. Shahjahanpur, District-Patna.
290. Sangita Kumari W/O Binod Sharma R/O Village Nurichak, P.S. Shahjahanpur, District-Patna.
291. Sunita Kumari W/O Ram Pravesh Prasad R/O Village Maksudpur, P.S. Shahjahanpur, District-Patna.
292. Usha Lata W/O Bindeshwar Singh R/O Village Mangatha, P.S. Chhabilapur, District-Nalanda.

.... .... Respondents

**With**

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**Civil Writ Jurisdiction Case No. 19245 of 2011**

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1. Ranbir Kumar Raman, son of Sri Raghuvir Prasad Yadav, Resident of village + P.O.- Kataiya, P.S. Supaul, Distt. Supaul
2. Sushil Kumar Singh, son of Sri Ramavtar Singh Resident of village + P.O. – Garh-Baruari, P.S. Supaul, Distt. Supaul
3. Shiv Kumar Mandal, son of Sri Raghuni Mandal Resident of village - Kajha, P.O. Laukha, P.S. Supaul, Distt. Supaul
4. Sikandar Prasad Yadav, son of Sri Avadh Prasad Yadav Resident of village -Kajha, P.O. Laukha,P.S. Supaul, Distt. Supaul
5. Keshav Kumar Singh, son of Sri Shivendra Pd. Singh Resident of village + P.O. - Basbitti, P.S. Supaul, Distt. Supaul
6. Md. Shafique Alam son of Azmal Mian, Resident of village + P.O. - Sihe, P.S. Supaul, Distt. Supaul
7. Md. Ayub, son of Ainul Haque, resident of village + P.O. – Sihe, P.S. – Supaul, District – Supaul.

8. Kumkum Singh daughter of Sri Nityanand Pd. Singh resident of village + P.O. - Barail, P.S. Supaul, Distt. Supaul
9. Nilambar Jha, son of Late Narsingh Jha resident of village - Solhani, P.O. Balha, P.S. Supaul, Distt. Supaul
10. Hemnarayan Singh son of Sri Shivnarayan Singh, resident of village + P.O. - Garh Baruari, P.S. Supaul, Distt. Supaul
11. Sanjeet Kumar Jha son of Sri Hiralal Jha Garh resident of village + P.O. - Baruari, P.S. Supaul, Distt. Supaul
12. Anil Kumar Singh son of Sri Ramavtar Singh resident of village + P.O. - Garh Baruari, P.S. Supaul, Distt. Supaul
13. Arun Kumar Ram son of Sri Basudev Ram resident of village + P.O. - Laukha, P.S. Supaul, Distt. Supaul
14. Hareram Roy, son of Late Adhik Roy resident of village - Nunupatti, P.O. Balha, P.S. Supaul, Distt. Supaul

.... .... Petitioners

Versus

1. The State of Bihar through the Commissioner cum Secretary Human Resources Development Department, Government of Bihar, Patna
2. The Commissioner-Cum-Secretary, Human Resources Development Department, Government of Bihar, Patna
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna
4. The Director, Mass Education, Government of Bihar, Patna

.... .... Respondent/s

With

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**Civil Writ Jurisdiction Case No. 21391 of 2011**

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1. Prabhat Ranjan S/O Late Kamleshwari Prasad, resident of village-Jotha, P.O. Jorha, P.S.-Dhoraiya, Distt.-Banka.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Commissioner-Cum-Secretary, Human Resources Development Department, State of Bihar, Patna.
2. The Commissioner-Cum-Secretary, Human Resources Development Department, State of Bihar, Patna.
3. The Director, Mass Education State of Bihar, Patna.
4. The Principal Secretary, Department of Personal and Administrative Reforms, State of Bihar, Patna.

.... .... Respondents

With

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**Civil Review No. 36 of 2012**  
**IN**  
**Civil Writ Jurisdiction Case No. 14731 of 2008**

- =====
1. Pankaj Kumar Singh, State Secretary, Bihar State Non-Formal-cum-Special Education Instructor Union, Patna, son of Sri Balram Singh, resident of village – Nayatola, Phulwari, P.O. + P.S. + District – Katihar.
  2. Kaushal Kishore Rai, son of Late Shivaharan Rai, resident of village – Chingitakiya, P.S. – Bajpatti, District – Sitamarhi, The District President of Sitamarhi of the aforesaid Union.
  3. Ramchandra Jha, son of Sri Ganga Prasad Jha, resident of village + P.O. – Kothiya, P.S. – Bhairawasthan, District – Madhubani, the District President of Madhubani of the aforesaid Union.
  4. Lakhindra Prasad Yadav, son of Sri Sitaram Rai, resident of village – Sabli, P.O. – Badachakiya, P.S. – Badachakiya, District – East Champaran, the District President of East Champaran of the aforesaid Union.
  5. Ashok Kumar Das, son of Sri Makundi Das, resident of village – Nayachak, P.O. – Gaurachauki, P.S. – Kajraili, District – Bhagalpur, the District President of Bhagalpur of the aforesaid Union.
  6. Ram Naresh Choudhary, son of Late Ramdeni Choudhary, resident of village + P.O. Sahdullahpur, P.S. – Gangabridge, District – Vaishali, the District President of Vaishali of the aforesaid Union.
  7. Subh Narayan Upadhayay, son of Late Ganesh Upadhayay, resident of village – Masaudha, P.O. + P.S. – Piprahi, District – Sheohar, the District President of Sheohar of the aforesaid Union.
  8. Rajendra Ram, son of Late Jawahir Ram, resident of village & P.O. – Motipura, P.S. – Darauli, District – Siwan, the District President of Siwan of the aforesaid Union.
  9. Mayashankar Mishra, son of Late Ramnaresh Mishra, resident of village – Dighawa, P.S. – Bhore, District – Gopalganj, the District President of Gopalganj of the aforesaid Union.
  10. Mityanand Singh, son of Late Bhudeo Narayan Singh, resident of village & P.O. – Kakwara, P.S. – Banka, District – Banka, the District President of Banka of the aforesaid Union.
  11. Ranjit Singh, son of late Rampati Singh, resident of village & P.O. – Gajadharganj, P.S. – Buxar Nagar, District – Buxar, the District President of Buxar of the aforesaid Union.
  12. Satendra Rai, son of Sri Munilal Rai, resident of village – Phatehpur, P.O. – Anjani, P.S. – Parsa, District – Chapra, the District President of Chapra of the aforesaid Union.
  13. Baijnath Pathak, son of Sri Ramkumar Pathak, resident of village-Pathkhauliya, P.O. + P.S. – Rajpur, District – Rohtas, Sasaram, the District President of Rohtas, Sasaram of the aforesaid Union.

14. Ravindra Nath Sharma son of Sri Jaleshwar Mistri, resident of village – Govindpur Lakshmantola, P.O.& P.S. – Phulwarisharif, District – Patna, the District President of Patna of the aforesaid Union.

.... .... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Vikash Bhawan, Patna.
4. The Director, Mass Education, Government of Bihar, Patna.

.... .... Respondents

With

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**Civil Review No. 52 of 2012**

**IN**

**Civil Writ Jurisdiction Case No. 15352 of 2008**  
=====

Ashok Kumar Arvind S/O Late Ram Charan Poddar R/O Village-Baluachak, P.S.- Jagdispur, District- Bhagalpur

.... .... Petitioner

Versus

1. The State of Bihar through its Secretary, Education Department, Main Secretariat Building, Bihar, Patna.
2. Secretary-Cum-Commissioner, Department of Primary & Adult Education, Government of Bihar, Patna in the State of Bihar, Patna.
3. Director, Mass Education, Government of Bihar, Patna in the State of Bihar, Patna.
4. District Mass Education Office, Bhagalpur in the State of Bihar.
5. District Magistrate, Bhagalpur in the State of Bihar, Patna,

.... .... Respondents

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**Appearance :**

**(In LPA No. 1489 of 2011)**

For the Appellants : Mr. Pushkar Narain Shahi, Sr. Adv. A.A.G.10  
Mr. Mritunjay Kumar, Advocate, AC to A.A.G.10  
For the Respondents : Mr. Rajendra Narayan, Sr. Advocate  
Mr. Sanjay Kumar, Advocate  
Mr. Anju Narain, Advocate  
Mr. Ranjeet Kumar Singh, Advocate

**(In CWJC No. 19245 of 2011)**

For the Petitioner : Mr. V. Kanth, Sr. Advocate  
Mr. Subodh Jha, Advocate  
For the Respondents : Mr. Raju Giri, GP-30  
Mr. Nikhil Kr. Agarwal, AC to GP-30

(In CWJC No. 21391 of 2011)

For the Petitioner : Mr. Mritunjay Pd. Singh, Advocate  
Mr. Rajesh Kumar Singh, Advocate

For the Respondents : Mr. Sanjay Kumar, AC to GA-5

(In C. REV. No. 36 of 2012)

For the Petitioner : Mr. B.K. Kanth, Advocate  
Mr. Pramod Mishra, Advocate

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**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH**

**And**

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)**

**Date: 11-08-2015**

All these cases are inter-linked with the fate of judgment of learned Single Judge in the case of Sheo Bhajan Prasad Diwakar and others Versus State of Bihar and others being C.W.J.C. No. 8418/2010 decided on 21.04.2011.

2. The question is, whether the State could legitimately distinguish and differentiate between the retrenched Non-Formal Supervisors and Non-Formal Instructors as a consequence of closure of the scheme in the State. The former i.e. Non-Formal Supervisors were rehabilitated, pursuant to the Government policy decision dated 12<sup>th</sup> January, 2010. But, when it came to the Instructors i.e. Non-Formal Instructors, they were left high and dry. Several writ petitions were filed, one of them was the instant writ proceedings.

3. There are several intervention applications,

we need not pass any order thereon because the benefit being given to be applicable to all similarly situated persons.

4. On behalf of the writ petitioners, it was urged before the learned Single Judge that all the retrenched persons, may they be Supervisors or Instructors, form a singular class, and were thrown on the roads pursuant to closure of the scheme without any semblance of employment. The State, on the other hand, took stand that Supervisors, who were drawing remuneration of about Rs. 600/- per month and were far less in number, were a class by themselves, whereas the Instructors, who were at least five times the Supervisors and were drawing remuneration of only Rs. 200/- per month, form a class by themselves. They had different responsibilities and different educational qualifications, therefore, they were two different classes. Absorbing one and leaving out the other, was neither discrimination nor arbitrary classification, and thus, was held to be rational.

5. The learned Single Judge, upon examination of the facts, held and we respectfully concur that the classification, prior to retrenchment or closure of the scheme, is of no relevance. Both the classes i.e. Supervisors and Instructors, upon closure of the scheme, were on the road with




no source of employment or livelihood. They form a singular class. Any distinction, as being, sought to be made by the State between Supervisor and Instructor, at this stage and at this point of time, was illusionary and had no nexus with the rights of those persons to seek absorption.

6. We are of the view that both groups sought to be rehabilitated having worked in the scheme for long period, some running for more than to two decades. Therefore, we are also of the view that all those, who were in the scheme, either as Supervisor or as Instructor, when the scheme was discontinued for the purposes of rehabilitation and/or absorption and/or employment, have to be treated as one group. Of course, while considering the placement, distinction has to be made because of inherent difference in their qualification and the job experience. But, that distinction is only for the purposes of placement and is not relevant for the purposes of consideration and/or being accepted for rehabilitation.


7. In this Intra-Court Appeal, State has now sought to bring about a distinction, post termination of scheme, they have stated that on an average under each Supervisor, there were about minimum five Instructors. Thus,





if the total number of Supervisors were about 5000, the number of Instructors would be 25,000. Mathematically and logically this may be correct, but, practically this distinction is not relevant today. Today, we are almost 15 years from the time when the scheme was wound up. In these 15 years, first, large number of Instructors would have already shared to the State of Jharkhand, then good number could have reached the age of superannuation, and lastly, as per the policy decision, in respect of the Supervisors, not all would have been working on the day when the scheme was discontinued, and simultaneously not all would have worked continuously for three years. If all these restrictions, eventualities or events are kept in mind, the number of Instructors left fighting for survival would be far less and would be even less than 10,000, then would the welfare State be helpless to help these helpless people. We think not.

**8.** Having taken a policy decision to rehabilitate non-formal Supervisors and this Court having held that the distinction being drawn between Supervisors and Instructors having no legal basis, this policy has to extend to the Instructors. Not extending the same would be more arbitrary than extending.



9. Having considered the matter, it is unnecessary for us to take note of various stages to which this litigation has travelled. Suffice it to say that the only distinction that was being made was the classification pre-retrenchment and extending it to post-retrenchment, which they have already deprecated. The result being that State Appeal has to be dismissed and the writ petitions have to be allowed, also the Civil Review would have to be allowed.

10. We would only like to add that the State policy in respect of Supervisors be adopted *mutatis mutandis* with only addition that it would apply to the Instructors, who were found working for three years continuously, at the time when the non-formal education scheme was abolished, in which they were. The respondents/writ petitioners do not insist on Class III posts but submits that State Government should take them into service even on Class IV posts as per the vacancies available in different Departments. It surely cannot extend to people, who, at any distinct point of time, had worked for a short period and then left the work. They can have no legitimate claim in this regard.

11. In view of the aforesaid, this Letters Patent Appeal is dismissed with observations and directions

contained hereinabove. The tagged writ petitions are allowed in the same terms, the Civil Review is also allowed and the writ petition stands disposed of.

**12.** Needless to say that most of the Instructors would be in advance age group, the rehabilitation cannot be provided, of course, not to extend to those who have reached the age of superannuation or are towards the end of their working career.

**13.** It is expected that the State Government would take expeditious steps to see that eligible people are rehabilitated, such processes should be completed within a period of six months.

**(Navaniti Prasad Singh, J.)**

**(Nilu Agrawal, J.)**

Rajeev/A.F.R.

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