

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15586 of 2006

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1. Sulekha Kumari wife of Sri Tarkeshwar Tiwari R/o Teachers Quarter, Govt. Girls High School, Bankipur P.S. Gandhi Maidan, Patna at present posted as Assistant Teacher, Bankipur Girls High School, Patna
 2. Poonam Kumari D/o Late Biswanath Prasad R/o Chitragupta Nagar, New Colony, Kankarbagh, P.S. Kankarbagh, Patna at present posted as Assistant Teacher, Bankipur Girls High School, Patna
 3. Shikha Rani W/o Sri Rajesh Kumar Sinha R/o 3A Qrt. No.17 Mahesh Nagar P.S. Patliputra, Patna at present posted as Assistant Teacher, Bankipur Girls High School, Patna
 4. Madhuri Kumari W/o Sri Anil Kumar Choudhary R/o BNR Road, Gulzarbagh, P.S. Alamgarnj, Patna at present posted as Asst. Teacher, BNR Training College, Gulzarbagh, Patna
 5. Rajni Kumari W/o Sri Lal Babu Choudhary, r/o Ganga Vihar Colony, Choudhary Tola, Mahendru P.S. Sultanganj, Patna at present posted as Asst. Teacher, BNR Training College, Gulzarbagh, Patna
 6. Seema Sinha W/o Jayant Kumar Veram R/O Panchavati Colony, Guljarbagh, P.S. Alamganj, Patna at present posted as Asst. Teacher, BNR Training College, Gulzarbagh, Patna
 7. Chanchal Kumari W/o Abhay Kumar R/o Teacher's Quarter BMR Road P.S. Alamganj, Patna at present posted as Asst. Teacher, BNR Training College, Gulzarbagh, Patna
 8. Radha Kumari D/o Shri Satya Narayan Jha R/o B/37, Mitra Mandal Colony P.S. Phulwarisharif, Patna at present posted as Assistant Teacher, Govt. Girls High School, Gardanibagh, Patna
 9. Manju Thakur D/o Shri Gazadar Thakur R/o B/37 Mitra Mandal Colony P.S. Bhulwarisharif Patna at present posted as Asst. Teacher, Govt. Girls High School, Gardanibagh, Patna
 10. Neeta Kumari D/o Raj Narayan Mehta, R/o 102, Apurva Apartment, Shivaji Path P.S. Gardanibagh, Patna at present posted as Assistant Teacher, Govt. Girls High School, Gardanibagh, Patna

..... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Secretary cum Commissioner, Finance Department, Bihar, Patna
3. The Secretary Personnel and Administrative Reforms Deptt. Bihar, Patna
4. The Secretary, Cabinet Secretariat, Bihar, Patna
5. The Commissioner cum Secretary Human Resources Development Department, Bihar, Patna
6. The Director (Administration) Human Resources Development Department, Bihar, Patna
7. The Director (Secondary Education) Human Resources Development Department, Bihar Patna
8. The School Inspectress cum Dy. Director, Education, Bihar, Patna

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the State

A.C. to G.P.6

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 30-04-2015

Heard learned counsel for the petitioners, the State and counsel for the intervener.

An intervention application has been filed seeking relief in the terms in which the petitioners have sought for in the writ application. I am afraid no such application supporting the writ petition can be entertained in view of the provisions contained in Patna High Court Rules. The intervener can independently raise his/their grievance before appropriate forum/authority in accordance with law.

The ten petitioners herein admittedly belonged to the cadre of Lower Subordinate Service(Subordinate Education Service). They have raised a grievance that while issuing resolution of the government in the Department of Human Resources Development (now Education Department) contained in memo no. 1209 dated 07.07.2006 (Annexure-3) they have arbitrarily been left out. In substance, their grievance is that in the light of the recommendation of the Committee constituted by the government they were required to be treated as the members of the cadre of Bihar Education Service Class-II and by virtue of Annexure-3 their services should also be treated in the said cadre.

Counsel for the petitioners has placed certain documents including the relevant articles of the Bihar Education Code in order to buttress his claim of being treated as members of the cadre of Bihar Education Service Class-II by virtue of the notification of the government dated 11.04.1977 published in the Bihar Gazette (Annexure-2) as also the

resolution of the government dated 07.07.2006 (Annexure-3).

A counter affidavit has been filed on behalf of the respondents to oppose the said prayer.

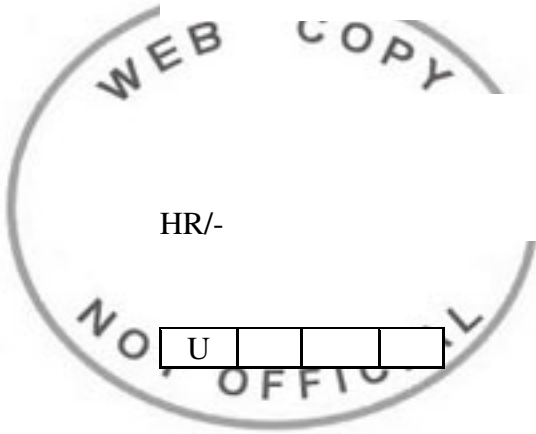
Counsel for the petitioner has taken a stand that the claim of the petitioners in the light of the documents on which they seek to rely should first be directed to be considered/examined by the competent/appropriate authority of the government where all the facts shall be placed by way of a representation. The competent authority of the government may be directed to examine the same and pass an appropriate/reasoned order thereon.

Counsel for the State appreciating the said submissions of the counsel for the petitioner has not objected to the same.

In view of aforesaid, this Court is satisfied that ends of justice shall be met if the petitioners are granted liberty to make an appropriate representation setting out all relevant facts as also the documents in support of their claim for being treated as member of the cadre of Bihar Education Service Class-II by virtue of the resolution of the government and also the notification contained in Annexure-2 in the light of the recommendation of the Committee which, accordingly to him, was accepted in toto by the government. It has also been submitted that the relevant judgment pronounced by this Court shall also be placed for consideration by the said authority.

Accordingly, the writ application is disposed of by permitting the petitioners to make such representation within four weeks from today before the Commissioner-cum-Secretary, Human Resources Development Department, Govt. of Bihar, Patna (Now re-designated as the Principal Secretary, Department

of Education, Govt. of Bihar, Patna) who shall consider and dispose of the same in accordance with law within three months of filing of such representation.



HR/-

(Kishore Kumar Mandal, J)