

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15263 of 2014

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1. Anita Kumari W/o Lalan Kumar Resident of Village - Nahari, P.O. AND P.S. -
Laukaha, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Human Resources Development Department, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Darbhanga Division, Darbhanga.
4. The District Magistrate, Madhubani.
5. The District Education Officer, Madhubani.
6. The District Programme Officer (Establishment), Madhubani.
7. The Block Education Extension Officer, Block - Khutauna, District- Madhubani.
8. The Panchayat Secretary, Gram Panchayat Raj Nahari, Block - Khutauna, District- Madhubani.
9. The Mukhiya, Gram Panchayat Raj Nahari, Block - Khutauna, District- Madhubani.
10. The Headmaster, Middle School, Nahrai, Block - Khutauna, District - Madhubani.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 14524 of 2014

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1. Anita Kumari D/o Jagdish Ram W/o Sri Kapleshwar Ram Resident of Village
Madhopur Beldari, P.O. Madhopur, P.S. Laukaha, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Human Resources Development Department, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Darbhanga Division, Darbhanga.
4. The District Magistrate, Madhubani.
5. The District Education Officer, Madhubani.
6. The District Programme Officer (Establishment), Madhubani.
7. The Block Education Extension Officer, Block Khutauna, District Madhubani.
8. The Panchayat Secretary, Gram Panchayat Raj Madhopur, Block Khutauna, District Madhubani.
9. The Mukhiya, Gram Panchayat Raj Madhopur, Block Khutauna, District Madhubani.
10. The Headmaster, Government Primary School, Basniyan Harijan, Block Khutauna, District Madhubani.

.... Respondent/s

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Appearance :

(In CWJC No. 15263 of 2014)

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav

For the Respondent/s : Mr. S.A. Alam, SC 3

(In CWJC No. 14524 of 2014)

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav

For the Respondent/s : Mr. Nawal Kishore Singh, SC 3

Ms Mohini Kumari, AC to SC 3

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-01-2015

Now that the Principal Secretary, Education, Government of Bihar has issued a clear directive in letter no.607 dated 15.9.2014, there is no reason why these petitioners cannot continue on the post of a Block Teacher or Panchayat Teacher for having failed to pass eligibility test. Whatever confusion there may have been initially with regard to such teachers, the facts stand that many of them are continuing in their position by virtue of either judicial order or now a clarification issued by the Principal Secretary of the Department. Since there cannot be two class of teachers with identical kind of position and status, therefore, any restraint with regard to continuation of these two petitioners on their respective post is uncalled for. The orders contained in Annexure- 5 and Annexure- 7, both dated 2.10.2013, issued by the Block Education Officer, Khutauna in relation to these petitioners stand quashed.

Both the writ applications are allowed.

(Ajay Kumar Tripathi, J)

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