

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6512 of 2013

Satendra Rikiyasan S/o Sri Karu Rikiyasan, resident of village -Badam, P.O.- Umga, P.S.- Madanpur, District- Aurangabad, At Present Rajkiya Utakarmit Middle School, Badam Utthan Kendra, Badam, Block- Madanpur, P.S.- Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary old Secretariat, Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
3. The Commissioner, Magadh Division, Gaya
4. The District Magistrate, Aurangabad
5. The District Education Officer, Aurangabad
6. The Deputy Superintendent of Education, Aurangabad
7. The Block Education Extension Officer, Madanpur, Distt.- Aurangabad
8. The District Programme Officer, Primary Education and Sarv Shiksha Abhiyan, Bihar Shiksha Pariyajna, Aurangabad
9. The Headmaster, Rajkiya Utakarmit Middle Vidyalaya Badam Utthan Kendra Badam, Block- Madanpur, P.S.- Madanpur, District- Aurangabad.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 8549 of 2013

Jitendra Kumar Choudhary Son of Sri Suryadeo Choudhary, resident of village Pranpur, P.O. - Mahuawan, P.S. Madanpur District - Aurangabad, At Present Primary School Koiribigha Utthan Kendra, Baraiyabigha, Block Madanpur, P.S. Madanpur, District – Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
3. The Commissioner , Magadh Division, Gaya
4. The District Magistrate, Aurangabad
5. The District Education Officer, Aurangabad
6. The Deputy Superintendent of Education, Aurangabad
7. The Block Education Extension Officer, Madanpur, Distt - Aurangabad
8. The District Programme Officer, Primary Education and Sarv Shiksha Abhiyan, Bihar Shiksha Pariyojna, Aurangabad.
9. The Headmaster, Primary Vidyalaya Koiri Bigha Utthan Kendra, Baraiyabhgha, Block Madanpur, P.S. Madanpur, District – Aurangabad.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 6609 of 2013

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Mostt. Rita Kunwar Wife of Late Sanjay Rajak, resident of village - Dashrath Khap, P.S. Madanpur District- Aurangabad, At Present Rajkiya Middle School Dashrath Khap Utthan Kendra, Mithaiya, P.S. Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
3. The Commissioner, Magadh Division, Gaya
4. The District Magistrate, Aurangabad
5. The District Education Officer, Aurangabad
6. The Deputy Superintendent of Education, Aurangabad
7. The Block Education Extension Officer, Madanpur, Distt.- Aurangabad
8. The District Programme Officer, Primary Education and Sarv Shiksha Abhiyan, Bihar Shiksha Pariyojna, Aurangabad
9. The Headmaster, Rajkiya Middle Vidyalaya Dashrath Khap Utthan Kendra, Mithaiya, P.S. Madanpur, District- Aurangabad

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 6519 of 2013

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Rina Kumari W/o Sri Kamta Singh Bhogta, R/o Village- Pipargadhi, P.S. Madanpur, District- Aurangabad, At Present Rajkiya Middle School, Jurahi Utthan Kendra, Pipargadhi, P.S.- Madanpur, District- Aurangabad.

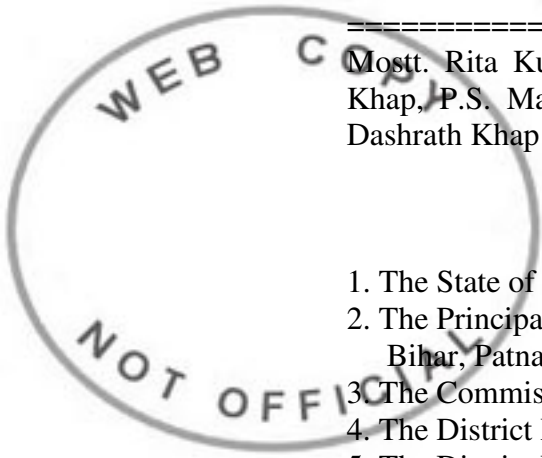
.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
3. The Commissioner, Magadh Division, Gaya
4. The District Magistrate, Aurangabad
5. The District Education Officer, Aurangabad
6. The Deputy Superintendent of Education, Aurangabad
7. The Block Education Extension Officer, Madanpur, Distt.- Aurangabad
8. The District Programme Officer, Primary Education and Sarv Shiksha Abhiyan, Bihar Shiksha Pariyajna, Aurangabad
9. The Headmaster, Rajkiya Middle Vidyalaya Jurahi Utthan Kendra, Pipargadhi, P.S.- Madanpur, District- Aurangabad

.... Respondent/s

with



Civil Writ Jurisdiction Case No. 8206 of 2013

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Arun Kumar Singh Bhogta @ Arun Singh Bhogta S/o Sri Ramdeo Bhogta, R/o Village- Chilmi, P.O.- Umga Purnadih, P.S.- Madanpur, District- Aurangabad, At Present Rajkiya Middle School, Chilmi Uthan Kendra, Pitambaradih, Block Madanpur, P.S.- Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Old Secretariat, Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya
4. The District Magistrate, Aurangabad
5. The District Education Officer, Aurangabad
6. The Deputy Superintendent of Education, Aurangabad
7. The Block Education Extension Officer, Madanpur, Distt.- Aurangabad
8. The District Programme Officer, Primary Education and Sarv Shiksha Abhiyan, Bihar Shiksha Pariyajna, Aurangabad
9. The Headmaster Rajkiya Middle Vidyalaya Chilmi Utthan Kendra, Pitambaradih, Block Madanpur, P.S.- Madanpur, District- Aurangabad

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 6613 of 2013

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Sukhari Singh Bhogata Son of Keshwar Singh, resident of village Pechuliya, P.O.- Umga, P.S. Madanpur District- Aurangabad, At Present Rajkiya Middle School Jurahi Utthan Kendra Pechuliya, P.S. Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
3. The Commissioner, Magadh Division, Gaya
4. The District Magistrate, Aurangabad
5. The District Education Officer, Aurangabad
6. The Deputy Superintendent of Education, Aurangabad
7. The Block Education Extension Officer, Madanpur, Distt.- Aurangabad
8. The District Programme Officer, Primary Education And Sarva Shiksha Abhiyan, Bihar Shiksha Pariyojna, Aurangabad
9. The Headmaster, Rajkiya Middle Vidyalaya Jurahi Utthan Kendra Pichhuliya, P.S. Madanpur District- Aurangabad

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 6624 of 2013

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Binod Kumar Son of Sri Sukhi Bhuaiya, resident of village - Bhaiyaram Bigha, P.O.- Mauawa, P.S. Madanpur District- Aurangabad, At Present Rajkiya Primary Kanya School Mahuawan Utthan Kendra, Bhaiyaram Bigha, Block Madanpur, P.S. Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
3. The Commissioner, Magadh Division, Gaya
4. The District Magistrate, Aurangabad
5. The District Education Officer, Aurangabad
6. The Deputy Superintendent of Education, Aurangabad
7. The Block Education Extension Officer, Madanpur, Distt.- Aurangabad
8. The District Programme Officer, Primary Education And Sarv Shiksha Abhiyan, Bihar Shiksha Pariyojna, Aurangabad
9. The Headmaster, Rajkiya Primary Kanya Vidyalaya Mahuawan Utthan Kendra, Bhaiyaram Bigha, Block Madanpur, P.S. Madanpur, District- Aurangabad

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 6653 of 2013

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Dhirendra Kumar Dhiraj S/o Sri Sukhari Singh Bhogata, R/o Village- Pichhuliya, P.O.- Umga, P.S.- Madanpur, District- Aurangabad, At Present Primary School Pachrukhiya Utthan Kendra, Pachrukhiya, Block Madanpur, P.S. Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Old Secretariat, Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
3. The Commissioner, Magadh Division, Gaya
4. The District Magistrate, Aurangabad
5. The District Education Officer, Aurangabad
6. The Deputy Superintendent of Education, Aurangabad
7. The Block Education Extension Officer, Madanpur, Distt.- Aurangabad
8. The District Programme Officer, Primary Education and Sarv Shiksha Abhiyan, Bihar Shiksha Pariyajna, Aurangabad
9. The Headmaster, Primary Vidyalaya Pachrukhiya Utthan Kendra Pachrukhiya, Block Madanpur, P.S.- Madanpur, District- Aurangabad

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 6565 of 2013

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Shshikant Chaudhary Son of Sri Jitan Chaudhary, resident of village Chatti, P.O.- Mahuawa, P.S. Madanpur District- Aurangabad, At Present Rajkiya Middle School Mahuawa Chatti Utthan Kendra, Belhar, Block Mandanpur, P.S. Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
3. The Commissioner, Magadh Division, Gaya
4. The District Magistrate, Aurangabad
5. The District Education Officer, Aurangabad
6. The Deputy Superintendent of Education, Aurangabad
7. The Block Education Extension Officer, Madanpur, Distt.- Aurangabad
8. The District Programme Officer, Primary Education And Sarv Shiksha Abhiyan, Bihar Shiksha Pariyojna, Aurangabad
9. The Headmaster, Rajkiya Middle Vidyalaya Mahuawa Chatti Utthan Kendra, Belhar, Block Madanpur, P.S. Madanpur, District- Aurangabad

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 6679 of 2013

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Shanti Kumari Wife of Sri Rajo Singh Bhogta, resident of village - Pipargadhi, P.S. Madanpur District- Aurangabad, At Present Rajkiya Middle School Judahi Utthan Kendra, North Jurahi, P.S. Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
3. The Commissioner, Magadh Division, Gaya
4. The District Magistrate, Aurangabad
5. The District Education Officer, Aurangabad
6. The Deputy Superintendent of Education, Aurangabad
7. The Block Education Extension Officer, Madanpur, Distt.- Aurangabad
8. The District Programme Officer, Primary Education And Sarv Shiksha Abhiyan, Bihar Shiksha Pariyojna, Aurangabad
9. The Headmaster, Rajkiya Middle Vidyalaya Judahi Utthan Kendra, North Dudahi, P.S. Madanpur, District- Aurangabad

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 7293 of 2013

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Dipan Kumar Bhuiya Son of Bishunpat Bhuiya, resident of village- Jalwan, P.O. - Ghatian, P.S. Madanpur District - Aurangabad, At Present Rajkiya Utkarmit Middle School Jalwan Utthan Kendra Bhuiya Tola, P.S. Madanpur, District – Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
3. The Commissioner, Magadh Division, Gaya
4. The District Magistrate, Aurangabad
5. The District Education Officer, Aurangabad
6. The Deputy Superintendent of Education, Aurangabad
7. The Block Education Extension Officer, Madanpur, Distt - Aurangabad
8. The District Programme Officer, Primary Education and Sarva Shiksha Abhiyan, Bihar Shiksha Pariyojna, Aurangabad
9. The Headmaster, Rajkiya Utkarmit Middle Vidyalaya Jalwan Utthan Kendra Bhuiya Tola, P.S. Madanpur, District – Aurangabad.

.... Respondent/s

Appearance :

(In CWJC No. 6512 of 2013)

For the Petitioner/s : Mr. Kedar Yadav, Adv.

For the Respondent/s : Mr. Girijesh Kumar, Adv.

(In CWJC No. 8549 of 2013)

For the Petitioner/s : Mr. Kedar Yadav, Adv.

For the Respondent/s : M/s Harendra Pd. Singh & Girijesh Kumar

(In CWJC No. 6609 of 2013)

For the Petitioner/s : Mr. Kedar Yadav, Adv.

For the Respondent/s : M/s P.N. Shahi and Girijesh Kumar.

(In CWJC No. 6519 of 2013)

For the Petitioner/s : Mr. Kedar Yadav, Adv.

For the Respondent/s : M/s Awdhesh Kumar Pandey, Vinita Singh and Girijesh Kumar

(In CWJC No. 8206 of 2013)

For the Petitioner/s : Mr. Kedar Yadav, Adv.

For the Respondent/s : M/s Girijesh Kumar and V.M.K. Sinha

(In CWJC No. 6613 of 2013)

For the Petitioner/s : Mr. Kedar Yadav, Adv.

For the Respondent/s : M/s Ashok Kumar Keshri and Girijesh Kumar

(In CWJC No. 6624 of 2013)

For the Petitioner/s : Mr. Kedar Yadav, Adv.

For the Respondent/s : M/s Yogendra Pd. Sinha, Girijesh Kumar,

(In CWJC No. 6653 of 2013)

For the Petitioner/s : Mr. Kedar Yadav, Adv.

For the Respondent/s : M/s Prabhakar Tekriwal, Girijesh Kumar, S.K. Sharma

(In CWJC No. 6565 of 2013)

For the Petitioner/s : Mr. Kedar Yadav, Adv.

For the Respondent/s : M/s Anjani Kumar and Girijesh Kumar

,

(In CWJC No. 6679 of 2013)

For the Petitioner/s : Mr. Kedar Yadav, Adv.

For the Respondent/s : M/s S.D. Sanjay, Girijesh Kumar,

(In CWJC No. 7293 of 2013)

For the Petitioner/s : Mr. Kedar Yadav, Adv.

For the Respondent/s : M/s S.Raza Ahmad and Girijesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-04-2016

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

In all the cases only limited points have been raised with regard to non-payment of honorarium. As petitioners were appointed as Tola Sevak and are holding the qualification of Madhayama, it has been brought to notice by the counsel for Bihar Education Project Council that the person who could be appointed as Tola Sevak, must have a qualification of 10th from the Bihar School Examination Board, C.B.S.E., I.C.S.E. or examination conducted by the recognised Shiksha Board of any State, but as per the counsel for the petitioners, the qualification of Madhayama which has been issued from the Bihar Sanskrit Shiksha Board, has not been treated to be equivalent.

As has been claimed by the counsel for the Bihar Education Project Council that all the persons have been terminated from service with effect from 29th March 2010.

This Court is not examining the matter with regard to the appointment, termination and continuation in service, but this Court

has confined the consideration with regard to payment of honorarium for the period of duty which they discharged as Tola Sevak.

As per the counsel for the Bihar Education Project Council, this scheme has been returned to the Education Department, Government of Bihar and now whatever the liability will be, it will be borne by the State of Bihar.

Let the District Programme Officer (Establishment) examine the case of these petitioners with regard to payment of honorarium and they must take decision after due verification of the records. If the records are not available with them, they may call for the records from the Bihar State Education Council. All the process should be completed within a period of six months from the date of receipt/production of a copy of this order.

With the above observation/direction, these petitions are disposed of.

(Shivaji Pandey, J)

Mahesh/-

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