

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7777 of 2014

Husna Bano D/o Md. Shafique Ahmad, W/o Md. Shaukat resident of Village -
Madhura, P.O. Chauhatta, P.S. Kishanpur, District - Supaul

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The Regional Deputy Director of Education, Koshi Division, Saharsa
4. The District Magistrate, Supaul
5. The District Education Officer, Supaul
6. The District Programme Officer (Establishment), Supaul
7. The Block Development Officer, Block - Kishanpur, District - Supaul
8. The Block Education Officer, Block - Kishanpur, District - Supaul
9. The Panchayat Secretary, Gram Panchayat Raj Rajpur, Block - Kishanpur, District - Supaul
10. The Mukhiya, Gram Panchayat Raj, Rajpur, Block - Kishanpur, District - Supaul
11. The Headmaster, Urdu Middle School, Madhura Rajpur, Block - Kishanpur, District - Supaul

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 7780 of 2014

1. Randhir Kumar Son of Shri Kapileshwar Kumar Resident of village and Post Office- Ratanpura, Police Station- Ghailadh, District- Madhepura.
2. Sachchidanand Prasad Son of Shri Nageshwar Prasad Resident of Village- Piprahi, Police Station- Ghailadh, District- Madhepura.
3. Subhadra Kumari Wife of Shri Visheshwar Ram Resident of Village- Rariyaha, Police Station- Ghailadh, District- Madhepura.
4. Arun Kumar Son of Bindeshwari Prasad Yadav Resident of village Shri Nagar, Police Station- Ghailadh, District- Madhepura.
5. Radha Kumari Daughter of Prithivi Chand Resident of village and Post Office- Bhatrandha, Police Station- Ghailadh, District- Madhepura.
6. Sudha Kumari Wife of Arvind Kumar Resident of Village- Belaha, Police Station and District- Madhepura.
7. Nisha Kumari Wife of Shri Lalan Rajak Resident of Village and Post Office- Shri Nagar, Police Station- Ghailadh, District- Madhepura.
8. Ramesh Rishidev Son of Natay Risedev Resident of Village- Barahi, Police Station and District- Madhepura.
9. Ramesh Ram Son of Bindeshwari Ram Resident of village and Post Office- Aoray, Police Station- Puraini, District- Madhepura.
10. Raj Kumar Rajak Son of Bhola Rajak Resident of Village and Post Office- Karouti Bazar, Police Station- Udakishunganj, District- Madhepura.
11. Saroj Suman Son of Rileshwar Rai Resident of Village and Post Office- Rahua,

Police Station- Bihariganj, District Madhepura.

12. Birendra Paswan Son of Late Chouthi Paswan Resident of Village-
Raghuvarganj, Police Station- Udakishunganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State Of Bihar, through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education Department of Education, Government of Bihar, Patna.
3. The District Education Officer, Madhepura.
4. The District Programme Officer (Establishment), Madhepura, District- Madhepura.

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 7786 of 2014

=====

1. Indu Kumari, D/o Ram Parsail, W/o Kusheshwar Yadav, resident of village+P.O.- Kalapatti, P.S.- Phulparas, District- Madhubani

.... Petitioner/s

Versus

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

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 7796 of 2014

=====

1. Bibi Ghufrana Khatoon D/o Md. Abdul Wahid resident of village- Dumra Brahmpur, Police Station- Damrua, District- Purnea
2. Nusrat Ara D/o Md. Rustam Ali resident of village- Kukroun Amari, P.S. Dhmdaha, District- Purnea
3. Nujhat Ara D/o Md. Rustam Ali resident of village- Kukroun Amari, P.S.

Dhmdaha, District- Purnea

4. Wajda Purween W/o Md. Manjur Alam, resident of village- Sonepur, P.S.- Dhamdaha, District- Purnea

5. Roowe Naaz, W/o Md. Haidar Ali, resident of village- Dhamdaha Chock, near the Masjid, P.S.- Dhamdaha, District- Purnea

6. Bibi Amrun Nisa D/o Md. Yaqub, resident of village- Maheshua, P.S.- Tribeniganj, District- Supaul

7. Roushan Ara D/o Abdul Rasid, resident of village- Mahthaba, P.s.- Araria, District- Araria

8. Shabina Khatoon D/o Md. Masiur Rahman, resident of village- Pankhaua, P.S.- Kasba, District- Purnea

9. Shabnam Khatoon, W/o Md. Abid Ansari, resident of village- Rampur Dahru, Block- Uda Kishunganj, P.S.- Bihariganj, District- Madhepura

10. Md. Amiruddin S/o Marhun Liakat, resident of village- Rampur Dehru, P.S.- Bihariganj, District- Madhepura

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Education, Government of Bihar, Patna

2. The Director, Primary Education, Department of Education, Government of Bihar, Patna

3. The District Education Officer, Madhepura

4. The District Programme Officer (Establishment), Madhepura, District- Madhepura

5. The District Education Officer, Araria

6. The District Programme Officer (Establishment), Araria

7. The District Education Officer, Supaul

8. The District Programme Officer (Establishment), Supaul.

9. The District Education Officer, Purnea

10. The District Programme Officer (Establishment), Purnea

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 7957 of 2014

=====

1. Shabana Perwin Daughter of Zubair Ahmad Resident of Village- Patarghat Kothi, Police Station- Sour Bazar, District- Saharsa

2. Rafi Ahamad Son of Zubair Ahmad Resident of Village- Gadha Rahmanpur, Police Station- Shankarpur, District- Madhepura

3. Shahzahan Perween Daughter of Md. Firoz Alam, wife of Md. Inamul Haque Resident of Village- Sapardah, Police Station- Purnaini, District- Madhepura

4. Bibi Nazrana Khatoon Daughter of Md. Ali, Wife of Md. Kamrul Resident of Village- Ranipatti, Police Station- Kumarkhand, District- Madhepura

5. Noorjahan Khatoon Daughter of Md. Sajjad Ali Resident of Village- Bheropati, Police Station and Block- Murliganj, District- Madhepura

6. Bibi Sajda Khatoon Daughter of Gulam Mohammad, Wife of Md. Mohiuddin Resident of Mohalla- Adarsh Nagar, Ward No. 8, Madhepura (Near the Small Majid)

7. Bibi Rehana Khatoon Daughter of Md. Haroon Rashid, Wife of Isteyak Ahmad

Resident of Village- Gadha Rahmanpur, Post Office- Jharkaha, Block and Police Station- Shankarpur, District- Madhepura

8. Zobaida Khatoon Daughter of Sagir Ahmad Resident of Mohalla- Ward No. 12 Lehri Tola, Police Station and District- Madhepura

9. Bibi Amansa Perwin Daughter of Abdus Shakur Resident of Village- Puraini, Police Station- Shri Nagar, Block- Kumarkhand, District- Madhepura

10. Rehana Khatoon Daughter of Md. Salauddin Resident of Village- Chanda, Police Station- Chousa, District- Madhepura

11. Nujhat Bano Daughter of Quasim Resident of Village and Post Office- Puraini, Police Station- Shrinagar, District- Madhepura

12. Ruby Parween Daughter of Md. Gaji Anwar Resident of Village- Majharpatti, Police Station- Uda Kishungaj, District- Madhepura

13. Bibi Ishrat Bano Daughter of Md. Mustafa, Wife of Sarfaraj Alam Resident of Village- Rahmatganj, Police Station- Shri Nagar, District- Madhepura

14. Bibi Safina Khatoon Daughter of Md. Idris, Wife of Md. Nizamuddin Resident of Police Station- Patarghat, District- Saharsa

15. Abdul Khalique Son of Molana Abdurrazzaque Resident of Village and Post Office- Bhelahi, Police Station and Block- Maihsi, District- Saharsa

16. Ajrun Nishan Daughter of Md. Samsul Haque Resident of Village- Bishharia Tola Jannatpur, Police Station and Block- Bhargama, District- Araria

17. Mansoor Khatoon Daughter of Md. Maroof Resident of Village- Birnagar, Block and Police Station- Bhargama, District- Araria

18. Bibi Sabrun Nesa Daughter of Md. Musa Resident of Village- Chilouni, Tola-Sourajan Machha, Police Station- Raghobpur, Block- Pratapganj, District- Supaul

19. Bibi Ghazala Tabassum Daughter of Md. Hasibur Rahman Resident of Village and Post Office- Puraini, Block and Via- Kumarkhand, P.S.- Shri Nagar, District- Madhepura

20. Bibi Imrana Khatoon Daughter of Md. Biko Khan Resident of Village- Barahkurva, Police Station and Block- Tribeniganj, District- Supaul

21. Bibi Rafat Ara Daughter of Md. Ehsan Khan Resident of Village- Tharhi, Bhawanipur, Police Station- Pipra Bazar, District- Supaul

22. Farnaj Khanam Daughter of Md. Azimuddin, Wife of Md. Salahuddin Resident of Village- Tulapatti, Block and Police Station- Kishanpur, District- Supaul

23. Gulshan Ara Daughter of Md. Daud Khan, Wife of Md. Irshad Alam Resident of Village and Post Office- Tharhi Bhawanipur, Police Station and Block- Pipra, District- Supaul

24. Nuzhat Perween Daughter of Md. Khtim Sabri Resident of Village and Post Office- Tharhi Bhawanipur, P.S.- Pipra, District- Supaul

25. Bibi Mashira Khanam Daughter of Abdul Barkat Khan Resident of Village and Post Office- Thadhi Bhawanipur, Police Station- Pipra, District- Supaul

26. Bibi Sajida Begam Daughter of Md. Murtuja Khan Resident of Village- Bouraha, Police Station- Karjain Bazar, District- Supaul

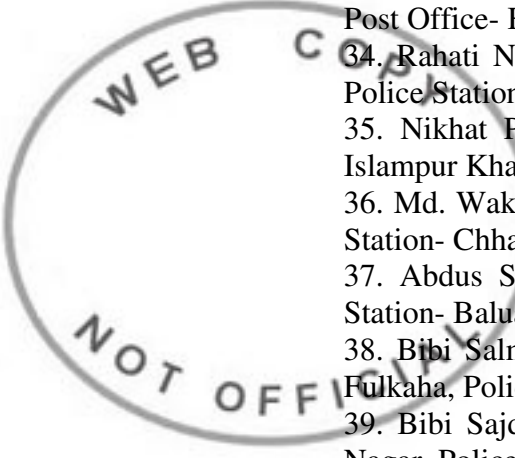
27. Rizwana Khatoon Daughter of Md. Usman Resident of Village- Mohanpuur, Block and Police Station- Chhatapur, District- Supaul

28. Bibi Sahnaz Bano Daughter of Md. Murtaza Resident of Village- Indrapur, Block and Police Station- Chhatapur, District- Supaul

29. Bibi Gulenoor Daughter of Imtiyaz Alam Resident of Village and Post Office- Thadhi, Bhawanipur, Police Station- Pipra Bazar, District- Supaul

30. Bibi Rahana Perween Rohi Daughter of Hazi Aiyub Ali Resident of Village and Post Office- Fatehpur, Police Station- Narpaganj, District- Araria

31. Nikhat Parween Daughter of Md. Iliyas Resident of Village- Babhni, Police Station- Gamharia, District- Madhepura

- 
32. Noor Mohammad Daughter of Abdul Aziz Resident of Village and Post Office- Hariharpur, Police Station- Chhatapur, District- Supaul
 33. Bibi Jahani Khatoon Daughter of Md. Motiur Rahman Resident of Village and Post Office- Hariharpur, Police Station- Chhatapur, District- Supaul
 34. Rahati Naaz Daughter of Md. Moeenuddin Resident of Village- Chhatapur, Police Station- Chhatapur, District- Supaul
 35. Nikhat Perween Daughter of Md. Tajammul Hussain Resident of Village- Islampur Kharvani, Police Station- Kishanpur, District- Supaul
 36. Md. Wakil Daughter of Md. Azmat Ali Resident of Village- Madhopur, Police Station- Chhatapur, District- Supaul
 37. Abdus Subhan Son of Md. Habibullah Resident of Village- Parasa, Police Station- Balua Bazar, District- Supaul
 38. Bibi Salma Khatoon Daughter of Md. Mahfuzurrahman Resident of Village- Fulkaha, Police Station- Jadia, District- Supaul
 39. Bibi Sajda Khatoon Daughter of Md. Shah Alam Resident of Village- Ram Nagar, Police Station- Chhatapur, District- Supaul
 40. Bibi Sahnaz Khatoon Daughter of Md. Shah Alam Resident of Village- Rampur, Police Station- Chhatapur, District- Supaul
 41. Gulfashan Bano Daughter of Md. Abbas Resident of Village- Parsa, Police Station and District- Supaul
 42. Bibi Sabiha Khatoon Daughter of Abdul Hannan Resident of Village- Chandail Maricha, Police Station and District- Supaul
 43. Bibi Shahnaz Bano Daughter of Md. Kalimul Haque Resident of Village- Parsa, Police Station and District- Supaul
 44. Bibi Sabiha Khatoon Daughter of Md. Ali Hasan Resident of Village and Post Office- Raghunathpur, Police Station- Jadia, District- Supaul
 45. Md. Kalimuddin Son of Noor Mohammad Resident of Village and Post Office- Raghunathpur, Police Station- Jadia, District- Supaul
 46. Sajda Rahmani Daughter of Quamrul Hoda Resident of Village- Chandisthan, Police Station- Kumarkhand, District- Madhepura
 47. Shahnaz Parveen Daughter of Md. Kalimullah Resident of Village and Post Office- Pipara Khurd, Police Station and District- Supaul
 48. Hena Kausar Daughter of Mahmood Alam Asgar Resident of Village and Post Office- Maharampur, Police Station- Jadia, District- Supaul
 49. Nikhat Parween Daughter of Md. Ayub Resident of Village- Saurajan, Police Station- Raghonpur, District- Supaul
 50. Abeda Khatoon Daughter of Md. Alimuddin Resident of Village- Kharel Malhad Khokhnaha Punarbas, Ward No. 14, Police Station and District- Supaul
 51. Rahat Khatoon Daughter of Zubair Ahmad Resident of Village and Post Office- Latauna, Police Station and Block- Tribeniganj, District- Supaul
 52. Jaibun Prawin Daughter of Md. Abbas Resident of Village and Post Office- Nemua, Police Station and District- Supaul
 53. Shagufta Rahmani Daughter of Md. Sadrul Haque Resident of Village- Maricha, Police Station and District- Supaul
 54. Md. Haroon Son of Md. Quasim Resident of Village- Maricha, Police Station and District- Supaul
 55. Tajammul Son of Abdur Razzaque Resident of Village and Post Office- Ghuran, Police Station and District- Supaul
 56. Shabnam Perween Daughter of Md. Taiyab Resident of Village- Fulbari Muhalla, Ward No. 23, Police Station and District- Supaul
 57. Rizwana Begam Daughter of Md. Shafique Resident of Village- Bela Situhar, Police Station and District- Supaul

58. Bibi Sakina Khatoon Daughter of Md. Mahfizur Rahman Resident of Village- Malhani, Police Station and District- Supaul
59. Murshid Kamal Son of Md. Nazloom Resident of Village and Post Office- Sukhapur, Police Station and District- Supaul
60. Gulshan Parveen Daughter of Md. Rizwan Alam Resident of Village- Parsa, Police Station and District- Supaul
61. Bibi Hasina Khatoon Daughter of Md. Isa Resident of Village- Dinbandhi, Police Station- Balua Bazar, District- Supaul
62. Md. Zakir Hussain Son of Abdul Khalique Resident of Village and Post Office- Manganj Bazar, Police Station- Jadia, District- Supaul
63. Bibi Samina Naz Daughter of Md. Ayoob Resident of Village and Post Office- Laharnia, Police Station- Tribeniganj, District- Supaul
64. Mokhtar Alam Son of Solaiman Resident of Village- Barmotra, Police Station- Balua Bazar, District- Supaul
65. Bibi Ishrat Bano Daughter of Abdul Mazed Resident of Village- Barmotra, Police Station- Balua Bazar, District- Supaul
66. Bibi Shagufta Perveen Daughter of Aqueel Ahmad Resident of Village and Post Office- Bhawanipur, Police Station- Pratapganj, District- Supaul
67. Shakeel Ahmad Daughter of Md. Idrees Rahmani Resident of Village and Post Office- Mohanpur, Police Station- Chhatapuur, District- Supaul
68. Hafiz Md. Aamil Son of Md. Shafique Alam Resident of Village- Kathara, Police Station- Chhatapur, District- Supaul
69. Bibi Shabnam Ara daughter of Shah Abdul Ghafoor resident of Vill.- Thadhi Bhawanipur, P.S.- Pipra, District- Supaul
70. Bibi Ishrat Jahan daughter of Abdul Zabbar, Wife of Iftekhhar Alam resident of Village- kamaldaha, P.S. and District- Araria
71. Shabana Tarannum daughter of Md. Kumaluddin, Wife of Safi Alam resident of Village- Champapur, P.S. Bakhtiyarpur, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Director, Primary Education, Department of Education, Government of Bihar, Patna
3. The District Education Officer, Madhepura
4. The District Programme Officer (Estb.) Madhepura, District- Madhepura
5. The District Education Officer, Araria
6. The District Programme Officer, (Establishment), Araria
7. The District Education Officer, Saharsa
8. The District Programme Officer, (Establishment), Saharsa
9. The District Education Officer, Supaul
10. The District Programme Officer, (Establishment), Supaul
11. The District Education Officer, Lakhisarai
12. The District Programme Officer, (Establishment), Lakhisarai

.... Respondent/s

=====

Appearance :

(In CWJC No.7777 of 2014)

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav
For the Respondent/s : Mr. Ashok Kumar Keshri

(In CWJC No.7780 of 2014)

For the Petitioner/s : Mr. Durgesh Kumar

For the Respondent/s : Mr. Avinash Kumar

(In CWJC No.7786 of 2014)

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav

For the Respondent/s : Mr. Kamlesh Kumar Sharma

(In CWJC No.7796 of 2014)

For the Petitioner/s : Mr. Durgesh Kumar

For the Respondent/s : Mr. Manoj Kumar Sinha

(In CWJC No.7957 of 2014)

For the Petitioner/s : Mr. Durgesh Kumar

For the Respondent/s : Mr. Rajesh Singh

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date: 10-05-2016

All five writ applications are being disposed off together, taking C. W. J. C. No. 7777 of 2014 as leading case, as common question of fact and law has been raised, seeking similar relief.

In terms of the decision taken by the State that the teachers, who have failed the Teachers' Eligibility Test, twice over, are not required to be removed, immediately, but would be given an opportunity to pass the said examination a third time over, no teacher ought to be removed on this ground.

When this matter was taken up earlier on 04.05.2016, the Court directed the Principal Secretary, Department of Education, Government of Bihar to file an affidavit, giving the specific time-frame, when the third eligibility test is going to be held, because such teachers could not be allowed to continue on the post indefinitely on the pretext of being given a third opportunity.

Today an affidavit has been filed by the Principal Secretary and a press communication, dated 5th of May, 2016 has

been annexed as Annexure-A.

From the reading of Annexure-A, it is evident that the Government has taken a decision as well as a resolve to hold the eligibility test for such teachers on 19.07.2016.

The writ applications, therefore, are disposed off with an observation that the petitioners would not be disturbed and would continue as a teacher till the conduct and declaration of the result in terms of the schedule indicated in Annexure-A.

The Principal Secretary, Education, Government of Bihar is saddled with the responsibility to see that the calendar and the time-frame is adhered to and schedule is not sabotaged or derailed by vested interest for one reason or the other or else the Court will surely doubt the bona-fide of the decision communicated in terms of Annexure-A and take remedial measures in this regard.

Writ applications are disposed off with observation / direction as above.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	10.05.2016
Transmission Date	