

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15885 of 2011

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Anil Kumar S/O Late Maheshwar Yadav R/O Village & P.O. - Biraul, Via -
Khajauli, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar Through The Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Baily Road, Patna
2. The Secretary, Secondary, Primary & Adult Education Department, Government of Bihar, New Secretariat, Baily Road, Patna
3. The Director, Human Resources Development Department, Government of Bihar, New Secretariat, Baily Road, Patna
4. The District Education Establishment Committee, Through The District Superintendent of Education, Madhubani
5. The District Magistrate, Madhubani
6. The District Education Officer, Madhubani

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.15111 of 2011

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Kamlesh Kumar S/O Late Baldeo Sahu R/O Vill.-Hathiyahi, P.O.-Biraul,
Via-Khajauli, Distt.-Madhubani.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary, Human Resources Development Deptt., New Secretariat, Bailey Road, Patna.
2. The Secretary, Secondary, Primary & Adult Education Deptt., Govt. Of Bihar, New Secretariat, Bailey Road, Patna.
3. The Director, Human Resources Development Deptt., Govt. Of Bihar, New Secretariat, Bailey Road, Patna.
4. The District Education Establishment Committee Through The District Superintendent Of Education, Madhubani.
5. The District Magistrate, Madhubani.
6. The District Education Officer, Madhubani.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.9613 of 2012

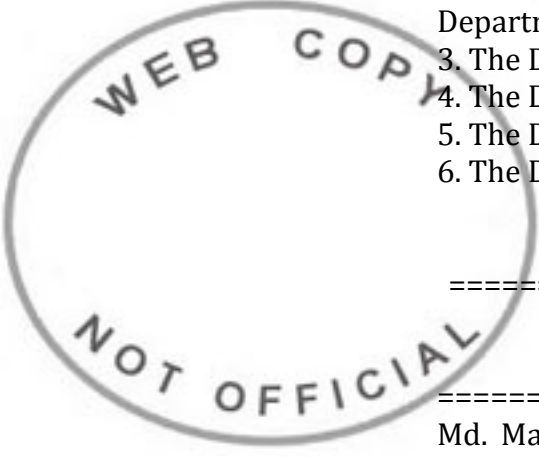
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Kameshwar Singh S/O Late Ras Lal Singh Resident Of Village - Bela Navtoli, P.S.- Babu Barhi, District - Madhubani

.... Petitioner/s

Versus



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1. The State Of Bihar Through The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
 2. The Director, Primary Education, Human Resources Development Department, Govt. Of Bihar, Patna
 3. The District Magistrate, Madhubani
 4. The District Superintendent Of Education, Madhubani
 5. The District Education Officer, Madhubani
 6. The District Education Establishment Committee, Madhubani

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.19651 of 2011

=====

Md. Mahtab Alam S/O Late Wakil Ansari R/O Village- Behta (West), P.S.- Benipatti, District- Madhubani, At Present Working As Assistant Teacher, Government Primary Harijan Girls School, Behta, P.S.- Benipatti, District- Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Human Resources Development Department, Government Of Bihar, Patna
3. The Additional Secretary Human Resources Development Department, Government Of Bihar, Patna
4. The Director, Primary Education Human Resources Development Department, Government Of Bihar, Patna
5. The District Magistrate, Madhubani
6. The District Education Officer, Madhubani
7. The District Education Establishment Committee, Madhubani

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.19745 of 2011

=====

Arbind Kumar Yadav Son Of Late Sabd Narayan Yadav Resident Of Village Kamalpur P.S. Rahika District Madhubani At Present Posted As Assistant Teacher Government Primary School Karni Tul Barhi P.S. Benipatti District Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna
3. The Additional Secretary, Human Resources Development Department, Government Of Bihar, Patna
4. The Director, Primary Education, Human Resources Development Department, Government Of Bihar, Patna

5. The District Magistrate, Madhubani
6. The District Education Officer, Madhubani
7. The District Education Establishment Committee, Madhubani

.... Respondent/s

with

Civil Writ Jurisdiction Case No.22782 of 2012

1. Pankaj Kumar Choudhary Son Of Sri Laxman Choudhary Resident Of Village - Chandah, Police Station - Madhubani Town, District - Madhubani
2. Manoj Kumar Son Of Late Anant Lal Mishra Resident Of Village - Kalyanpur Chauk, P.S. - Kalyanpur, District - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna
3. The Additional Secretary, Human Resources Development Department, Government Of Bihar, Patna
4. The Director, Primary Education, Human Resources Development Department, Government Of Bihar, Patna
5. The District Magistrate, Madhubani
6. The Deputy Development Commissioner, Madhubani
7. The District Superintendent Of Education, Madhubani

.... Respondent/s

with

Civil Writ Jurisdiction Case No.6128 of 2012

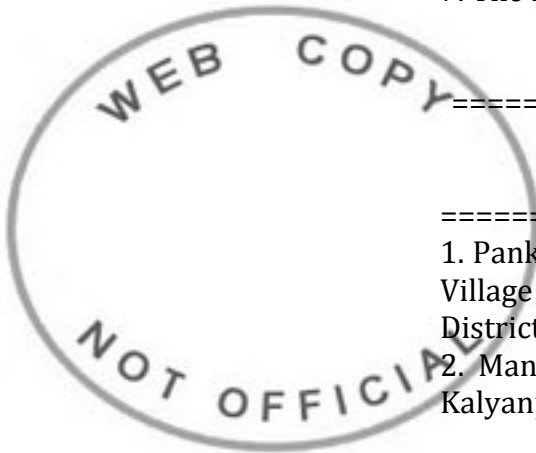
- Kailash Nath Jha Son Of Late Prayag Nath Jha Resident Of Village Sapta P.S. Rahika District Madhubani At Present Posted As Assistant Teacher, Middle School, Sima Block Rahika District Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna
3. The Additional Secretary, Human Resources Development Department, Government Of Bihar, Patna
4. The Director, Primary Education, Human Resources Development Department, Government Of Bihar, Patna
5. The District Magistrate, Madhubani
6. The District Education Officer, Madhubani
7. The District Education Establishment Committee, Madhubani

.... Respondent/s





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with

Civil Writ Jurisdiction Case No.23325 of 2011

=====

1. Avinash Kumar Jha S/O Late Sukh Chandra Jha, R/O Village+P.O.-Dulha, Vai-Kewati Runway, P.S.-Bisfi, Distt.-Madhubani
2. Ganesh Kumar Singh S/O Late Ras Nandan Rai R/O R/O Village+P.O.-Satghara, P.S.-Babubarhi, Distt.-Madhubani
3. Jitendra Kumar Jha S/O Late Rewati Kant Jah R/O Village+P.O.-Nawani, Vaiu Tamuria, P.S.-Ghoghardiha, Distt.-Madhubani
4. Pankaj Kumar Thakur, S/O Late Maya Nand Thakur, R/O Village+P.O.-Phulparas, P.S.-Phulparas, Distt.-Madhubani
5. Gangesh Jha, S/O Late Yogendra Jha R/O Village+P.O.-Satghara, Ps.-Babubarhi, Distt.-Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
3. The Additional Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
4. The Director, Primary Education,, Human Resources Development Department, Govt. Of Bihar, Patna
5. The District Magistrate, Madhubani
6. The Deputy Development Commissioner, Madhubani
7. The District Superintendent Of Education, Madhubani

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.23258 of 2011

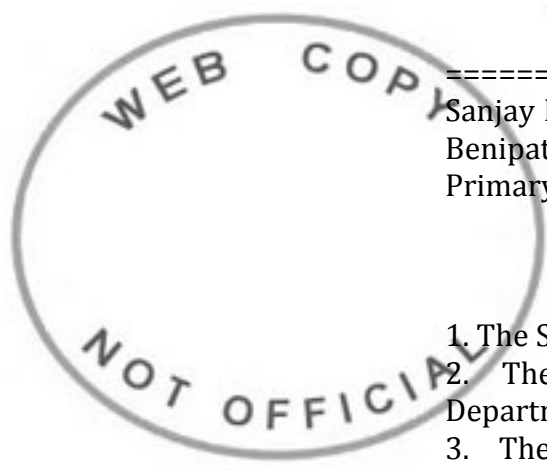
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Anil Kumar Pradhan Son Of Late Raghunath Pradhan Resident Of Village Mohammadpur, P.S. Benipatti District Madhubani At Present Posted As Assistant Teacher, Government Middle School, Birauli Block Benipatti District Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resource Development Department, Government Of Bihar, Patna
3. The Additional Secretary, Human Resources Development Department, Government Of Bihar, Patna
4. The Director, Primary Education, Human Resources Development Department, Government Of Bihar, Patna
5. The District Magistrate, Madhubani
6. The District Education Officer, Madhubani
7. The District Education Establishment Committee, Madhubani



.... Respondent/s

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with

Civil Writ Jurisdiction Case No.22886 of 2011

=====

Sanjay Kumar Jha S/O Late Muneshwar Jha R/O Village- Benipatti, P.S.- Benipatti, District- Madhubani, Presently Posted As Assistant Teacher, Primary School, Dihuliser, Block- Benipatti, District- Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Human Resources Development Department, Government Of Bihar, Patna
3. The Additional Secretary Human Resources Development Department, Government Of Bihar, Patna
4. The Director Primary Education, Human Resources Development Department, Government Of Bihar, Patna
5. The District Magistrate, Madhubani
6. The District Education Officer, Madhubani
7. The District Education Establishment Committee, Madhubani

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.22716 of 2011

=====

Jay Sankar Mandal S/O Late Baidhyanath Mandal Resident Of Village- Bharatpatti, P.S- Kaluahi, District- Madhubani, At Present Posted As Assistant Teacher Upgraded Middle School, Bharatpatti, P.S- Kaluahi, District- Madhubani.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Human Resouces Development Department, Government Of Bihar, Patna
3. The Additional Secretary, Human Resources Development Department, Government Of Bihar, Patna.
4. The Director, Primary Education, Human Resources Development Department, Government Of Bihar, Patna.
5. The District Magistrate, Madhubani.
6. The District Education Officer, Madhubani.
7. The District Education Establishment Committee, Madhubani.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.17471 of 2011

=====

Ashok Kumar Singh S/o Late Mahendra Prasad Singh R/o Village

Khajauli, P.O. Niyahi, Via Basopatti, Dist. Madhubani.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary, Human Resources Development Department, Govt. Of Bihar, New Secretariat, Baily Road, Patna.
2. The Secretary, Secondary, Primary & Adult Education Department, Govt. Of Bihar, New Secretariat, Baily Road, Patna.
3. The Director, Human Resources Development Department, Govt. Of Bihar, New Secretariat, Baily Road, Patna.
4. The District Education Establishment Committee, Through District Superintendent Of Education, Madhubani.
5. The District Magistrate, Madhubani.
6. The District Education Officer, Madhubani.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.17556 of 2011

=====

Dhirendra Kumar S/o Late Upendra Yadav R/o vill. Chhaprathi, P.O. Sakdara, Via Khajauli, Distt. Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Human Resources Development Department Govt. Of Bihar, New Secretariat, Baily Road, Patna
2. The Secretary, Secondary, Primary & Adult Education Department, Govt. Of Bihar, New Secretariat, Baily Road, Patna
3. The Director, Human Resources Development Department, Govt. Of Bihar, New Secretariat, Baily Road, Patna
4. The District Education Establishment Committee, Through The District Superintendent Of Education, Madhubani
5. The District Magistrate, Madhubani
6. The District Education Officer, Madhubani

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.16946 of 2011

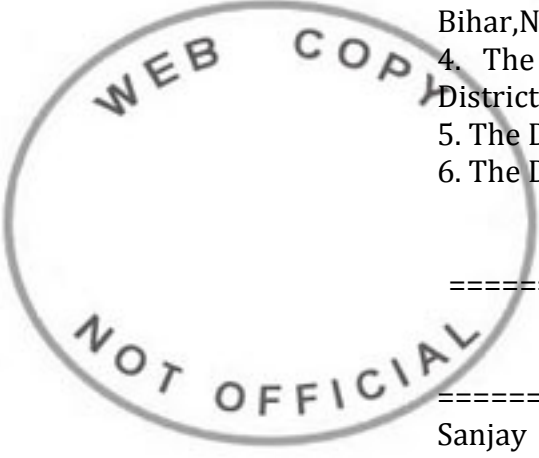
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Jaisri Gohiwar S/o Late Kusheshwar Gohiwar R/O Vill.-Hathiyahi, P.O.- Biraul, Via-Khajauli, Dist.-Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Human Resources Development Department, Government Of Bihar, New Secretariat, Baily Road, Patna

- 
2. The Secretary, Secondary, Primary & Adult Education Department, Government Of Bihar, New Secretariat, Baily Road, Patna
 3. The Director, Human Resources Development Department, Govt. Of Bihar, New Secretariat, Baily Road, Patna
 4. The District Education Establishment Committee Through The District Superintendent Of Education, Madhubani
 5. The District Magistrate, Madhubani
 6. The District Education Officer, Madhubani

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.19369 of 2011

=====

Sanjay Kumar Paswan Son Of Late Bhogendra Paswan Resident Of Village Minti P.S. Saharghat District Madhubani At Present Posted As Assistant Teacher, Government Primary School Malangiya Brahman Tol Block Rahika District Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna
3. The Additional Secretary, Human Resources Development Department, Government Of Bihar, Patna
4. The Director, Primary Education, Human Resources Development Department, Government Of Bihar, Patna
5. The District Magistrate, Madhubani
6. The District Education Officer, Madhubani
7. The District Education Establishment Committee, Madhubani

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.19396 of 2011

=====

Manish Kumar Son Of Sri Shova Lal Ram Resident Of Village Loharsarai Chowk, Ward No. 11, P.S. Madhubani, District Madhubani, At Present Posted As Assistant Teacher, Government Primary School Bhauara Morcha Block Rahika, District Madhubani.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna.
3. The Additional Secretary, Human Resources Development Department, Government Of Bihar, Patna.
4. The Director, Primary Education, Human Resources Development Department, Government Of Bihar, Patna.

5. The District Magistrate, Madhubani.
6. The District Education Officer, Madhubani.
7. The District Education Establishment Committee, Madhubani.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.19878 of 2011

=====

Krishan Kumar Yadav Son Of Late Budhan Yadav Resident Of Village
Kesuli P.S. Benipatti District Madhubani At Present Posted As Assistant
Teacher, Government Middle School Khirhar, Block Khirhar District
Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development
Department, Government Of Bihar, Patna
3. The Additional Secretary, Human Resources Development
Department, Government Of Bihar , Patna
4. The Director, Primary Education, Human Resources Development
Department, Government Of Bihar, Patna
5. The District Magistrate, Madhubani
6. The District Education Officer, Madhubani
7. The District Education Establishment Committee, Madhubani

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.20170 of 2011

=====

Satish Chandra Jha S/O Late Budhi Nath Jha Resident Of Village- Barha,
P.S- Bisfi, District- Madhubani, At Present Posted As Assistant Teacher,
Government Middle School, Nagdah, P.S- Benipatti, District- Madhubani.

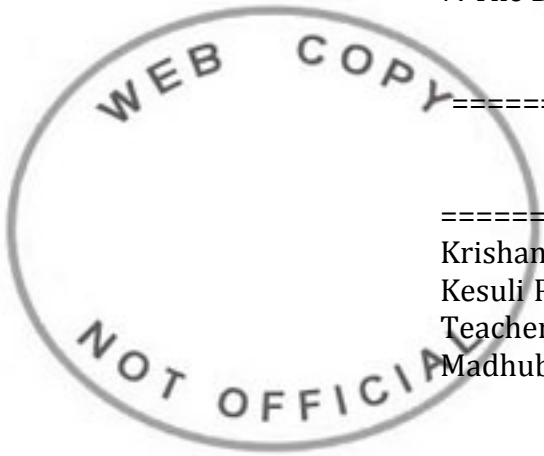
.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development
Department, Government Of Bihar, Patna.
3. The Additional Secretary, Human Resources Development
Department, Government Of Bihar, Patna.
4. The Director, Primary Education, Human Resources Development
Department, Government Of Bihar, Patna.
5. The District Education, Madhubani.
6. The District Education Officer, Madhubani.
7. The District Education Establishment Committee, Madhubani.

.... Respondent/s

=====



with
Civil Writ Jurisdiction Case No.20182 of 2011

=====

Ajit Kumar Mishra S/O Late Surendra Narain Mishra Resident Of
Village- Manpaur, P.S- Benipatti, District- Madhubani, At Present Posted
As Assistant Teacher, Government Middle School, Parjuar West, P.S-
Benipatti, District- Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development
Department, Government Of Bihar, Patna.
3. The Additional Secretary, Human Resources Development
Department, Government Of Bihar, Patna.
4. The Director, Primary Education, Human Resources Development
Department, Government Of Bihar, Patna.
5. The District Education, Madhubani.
6. The District Education Officer, Madhubani.
7. The District Education Establishment Committee, Madhubani

.... Respondent/s

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with
Civil Writ Jurisdiction Case No.20200 of 2011

=====

Rudra Nath Rai S/O Late Rajendra Rai R/O Vill- Dokhar P.S Kaluahi
District Madhubani At Present Posted As Assistant Teacher Primary
School, Dostpur P.S Kaluahi Distt- Madhubani.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department
Government Of Bihar, Patna.
3. The Additional Secretary, Human Resources Development
Department Government Of Bihar, Patna.
4. The Director, Primary Education, Human Resources Development
Department , Government Of Bihar, Patna.
5. The District Magistrate, Madhubani.
6. The District Education Officer, Madhubani
7. The District Education Establishment Committee, Madhubani.

.... Respondent/s

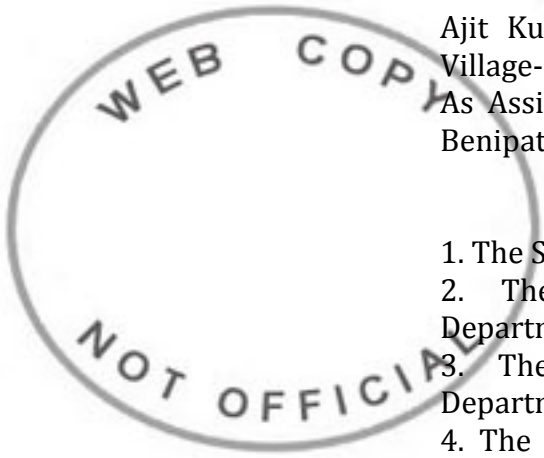
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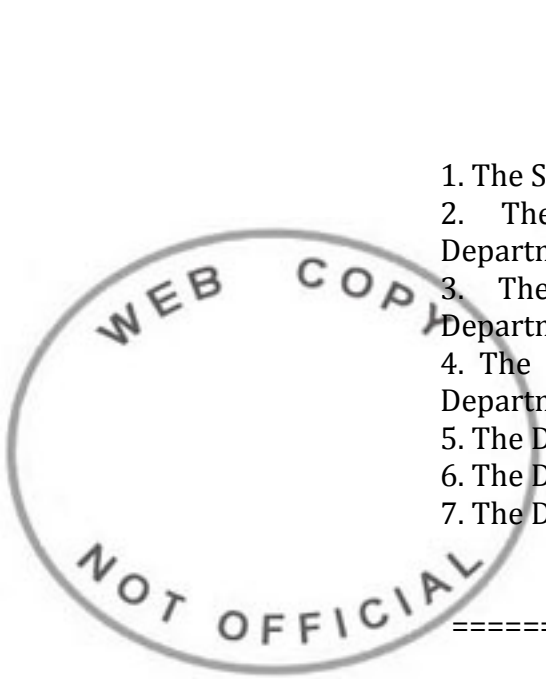
with
Civil Writ Jurisdiction Case No.2011 of 2013

=====

Dhrub Kumar Jha S/O Late Gopalji Jha R/O Vill-Shibipatti, P.S.-Rajnagar,
Distt-Madhubani, At Present Posted As The Assistant Teacher , Middle
School, Pokharsham, P.S.-Pandaul, Distt-Madhubani

.... Petitioner/s





Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna
3. The Additional Secretary, Human Resources Development Department, Government Of Bihar, Patna
4. The Director, Primary Education, Human Resources Development Department, Government Of Bihar, Patna
5. The District Magistrate, Madhubani
6. The District Education Officer, Madhubani
7. The District Education Establishment Committee, Madhubani

.... Respondent/s

=====

with

Civil Writ Jurisdiction Case No.20292 of 2011

=====

Sudhakar Thakur Son Of Late Ram Narayan Thakur Resident Of Village Shambhuar P.S. Madhubani District Madhubani At Present Posted As Assistant Teacher , Government Middle School Block Pandaul District Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna
3. The Additional Secretary, Human Resources Development Department, Government Of Bihar, Patna
4. The Director, Primary Education, Human Resources Development Department, Government Of Bihar, Patna
5. The District Magistrate, Madhubani
6. The District Education Officer, Madhubani
7. The District Education Establishment Committee, Madhubani

.... Respondent/s

=====

with

Civil Writ Jurisdiction Case No.16505 of 2011

=====

Ram Vinod Kumar Singh Son Of Late Mishree Lal Singh Resident Of Village + P.O.- Kasma Marar, P.S.- Khajauli, District- Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
2. The Director, Primary Education, Human Resources Development Department, Govt. Of Bihar, Patna
3. The District Magistrate, Madhubani
4. The District Superintendent Of Education, Madhubani

5. The District Education Officer, Madhubani
6. The District Education Establishment Committee, Madhubani

.... Respondent/s

=====

with

Civil Writ Jurisdiction Case No.16347 of 2011

=====

1. Ramesh Kumar Pandey S/o Late Ram Ratan Pandey R/o Village + P.O. Sothgaon, P.S. Harlakhi, Dist. Madhubani.
2. Alok Ranjan Das S/o Late Panchu Das R/o Village Harsuwar, P.S. Khirhar, Dist. Madhubani.
3. Smt. Shobha Sahu D/O Late Yamuna Dhar Sahu R/o Village Rar, P.O. Matonal, Via Kalmahi, Dist. Madhubani.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Human Resources Development Department, Govt. Of Bihar, Patna.
3. The District Education Establishment Committee, Madhubani Through Its Chairman.
4. The District Magistrate, Madhubani.
5. The District Superintendent Of Education, Madhubani.

.... Respondent/s

=====

with

Civil Writ Jurisdiction Case No.20234 of 2011

=====

Md. Sanauallah S/O Late Jararul Haque R/O village-Sohraul,P.S.- Benipatti, District- Madhubani, At Present Posted As Assistant Teacher Government Primary School, Samda Islamian, Benipatti, District- Madhubani

.... Petitioner/s

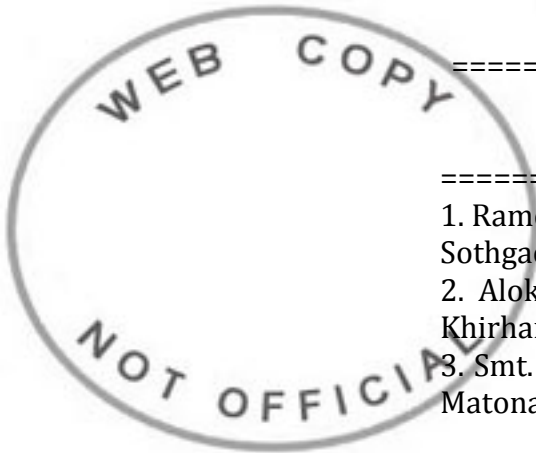
Versus

1. The State Of Bihar
2. The Principal Secretary Human Resources Development Department, Government Of Bihar, Patna
3. The Additional Secretary Human Resources Development Department, Government Of Bihar, Patna
4. The Director, Primary Education Human Resources Development Department, Government Of Bihar, Patna
5. The District Magistrate, Madhubani
6. The District Education Officer, Madhubani
7. The District Education Establishment Committee, Madhubani

.... Respondent/s

=====

with



Civil Writ Jurisdiction Case No.17412 of 2011

- =====
1. Satish Prasad Singh S/O Late Ram Sewak Singh Resident Of Village + P.O - Maheshwara , P.S.- Khajouli , District- Madhubani.
 2. Subhash Kumar Sarhan S/O Rajeshwar Sarhan Resident Of Village + P.O - Kashma Marar , P.S.- Khajouli , Dist - Madhubani.
 3. Md. Faquddin S/O Ehsarul Haque Resident Of Village - Bhagwanpur , P.S.- Rajnagar , District - Madhubani.
 4. Anil Kumar Singh S/O Late Satyendra Kumar Singh Resident Of Village - Sukki , P.S.- Khajouli , Dist - Madhubani.
 5. Md. Naushad Alam S/O Late Abdul Gaffur Resident Of Village - Basha , P.S.- Barhara , P.S.- Babubari , District - Madhubani.
 6. Smt.Kiran Juneza D/O Sri Ram Narain Mukhiya , W/O Late Ram Ekbal Sahni Resident Of Village - Kasma , P.O- Marar , P.S. Khajouli , District - Madhubani.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary , Human Resources Development Department , Government Of Bihar , Patna.
2. The Director , Primary Education, Human Resources Development Department, Government Of Bihar , Patna.
3. The District Magistrate , Madhubani.
4. The District Superintendent Of Education, Madhubani.
5. The District Education Officer , Madhubani.
6. The District Education Establishment Committee , Madhubani.

.... Respondent/s

with

Civil Writ Jurisdiction Case No.14572 of 2011

- =====
1. Devendra Prasad Singh S/O Late Manoranjan Prasad Singh R/O Vill.- Dughaila, Police Station- Andharamath, Distt.- Madhubani
 2. Santosh Kumar S/O Late Shivji Mahto R/O Vill.- Pathrahi, Police Station- Ladaniya, Distt.- Madhubani
 3. Anjani Kumar S/O Late Lakshman Thakur R/O Vill.- Gadiyani Chowk, Ward No. 10, Madhubani, Police Station- Town Thana, Distt.- Madhubani
 4. Md. Shamim Akhtar S/O Late Md. Jahid Hussain R/O Vill.- Bhagwatipur, Police Station- Pandaul, Distt.- Madhubani
 5. Shiv Narayan Singh S/O Sri Ram Swarup Yadav R/O Vill.- Bagha Kushhar, Bhai- Piprahi, Police Station- Phulparas, Distt.- Madhubani

.... Petitioners

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resourced Development Department Govt. Of Bihar, Patna
3. The Additional Secretary, Human Resources Development Department Govt. Of Bihar, Patna

4. The Director, Primary Education, Human Resources Development Department Govt. Of Bihar, Patna
5. The District Magistrate, Madhubani
6. The Deputy Development Commissioner, Madhubani
7. The District Superintendent Of Education, Madhubani

.... Respondent/s

=====

with

Civil Writ Jurisdiction Case No.16972 of 2011

=====

Lalan Kumar Thakur S/O Late Ram Bhadur Thakur R/O Vill. & P.O.-
Biraul, Via-Khajauli, District-Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Human Resources Development Department, Government Of Bihar, New Secretariat, Baily Road, Patna
2. The Secretary Secondary, Primary & Adult Education Department, Government Of Bihar, New Secretariat, Baily Road, Patna
3. The Director, Human Resources Development Department Government Of Bihar, New Secretariat, Baily Road, Patna
4. The District Education Establishment Committee Through The District Superintendent Of Education, Madhubani
5. The District Magistrate, Madhubani
6. The District Education Officer, Madhubani

.... Respondent/s

Appearance :

(In CWJC No.15885 of 2011)

For the Petitioner/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr. Ajay Sc11

(In CWJC No.15111 of 2011)

For the Petitioner/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr. Parth Sharthi Sc10

(In CWJC No.9613 of 2012)

For the Petitioner/s : Mr. Sunil Kumar Karn

For the Respondent/s : Mr. A.Ujjwal Sc25

(In CWJC No.19651 of 2011)

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Respondent/s : Mr. Rajesh Singh Gp16

(In CWJC No.19745 of 2011)

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Respondent/s : Mr. Atal Bihari Pandey Gp22

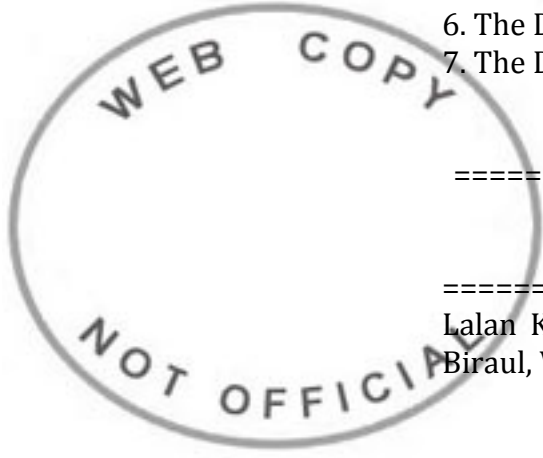
(In CWJC No.22782 of 2012)

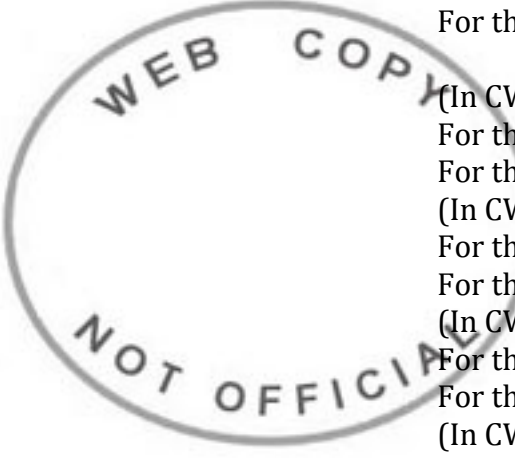
For the Petitioner/s : Mr. Satish Chandra Jha-3

For the Respondent/s : Mr. M.K.Pathak

(In CWJC No.6128 of 2012)

For the Petitioner/s : Mr. Manoj Kumar Jha





For the Respondent/s : Mr. Gyan Prakash Ojha Gp22
 (In CWJC No.23325 of 2011)
 For the Petitioner/s : Mr. Satish Chandra Jha-3
 For the Respondent/s : Mrs. Namrata Mishra
 Mr. Shashi Shekhar Singh, AC to GA 13
 (In CWJC No.23258 of 2011)
 For the Petitioner/s : Mr. Manoj Kumar Jha
 For the Respondent/s : Mr. S.S. Shabbar Hussain Gp4
 (In CWJC No.22886 of 2011)
 For the Petitioner/s : Mr. Manoj Kumar Jha
 For the Respondent/s : Mr. Jawahar Pd. Karn Aag4
 (In CWJC No.22716 of 2011)
 For the Petitioner/s : Mr. Manoj Kumar Jha
 For the Respondent/s : Mr. Suman Kr. Singh AC to GA3
 (In CWJC No.17471 of 2011)
 For the Petitioner/s : Mr. Binod Kumar Singh
 For the Respondent/s : Mr. Tej Bahadur Singh Aag7
 (In CWJC No.17556 of 2011)
 For the Petitioner/s : Mr. Binod Kumar Singh
 For the Respondent/s : Mr. Ajay Bihari Sinha Sc19
 Mr. Neeraj Raj, AC to SC 19
 (In CWJC No.16946 of 2011)
 For the Petitioner/s : Mr. Binod Kumar Singh
 For the Respondent/s : Mr. Rajesh Singh Gp16
 (In CWJC No.19369 of 2011)
 For the Petitioner/s : Mr. Manoj Kumar Jha
 For the Respondent/s : Mr. Ashok Kumar Keshri Aag11
 (In CWJC No.19396 of 2011)
 For the Petitioner/s : Mr. Manoj Kumar Jha
 For the Respondent/s : Mr. Anjani Kumar Aag10
 (In CWJC No.19878 of 2011)
 For the Petitioner/s : Mr. Manoj Kumar Jha
 For the Respondent/s : Mr. Namrta Mishra Gp17
 (In CWJC No.20170 of 2011)
 For the Petitioner/s : Mr. Manoj Kumar Jha
 For the Respondent/s : Mr. K.P. Gupta Sc16
 (In CWJC No.20182 of 2011)
 For the Petitioner/s : Mr. Manoj Kumar Jha
 For the Respondent/s : Mr. Binita Singh, GP 31 Ga9
 (In CWJC No.20200 of 2011)
 For the Petitioner/s : Mr. Manoj Kumar Jha
 For the Respondent/s : Mr. Neeraj Nandan Gp20
 (In CWJC No.2011 of 2013)
 For the Petitioner/s : Mr. Manoj Kumar Jha
 For the Respondent/s : Mr. Yogendra Pd. Sinha Aag15
 (In CWJC No.20292 of 2011)
 For the Petitioner/s : Mr. Manoj Kumar Jha
 For the Respondent/s : Mr. K.P. Gupta Sc16
 (In CWJC No.16505 of 2011)
 For the Petitioner/s : Mr. Sunil Kumar Karn
 For the Respondent/s : Mr. Amar Nath Deo Sc26

(In CWJC No.16347 of 2011)

For the Petitioner/s : Mr. Onkar Kumar

For the Respondent/s : Mr. Ritesh Kr. SC 33Ga6

(In CWJC No.20234 of 2011)

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Respondent/s : Mr. Mahendra Pd. Verma AC to SC13

(In CWJC No.17412 of 2011)

For the Petitioner/s : Mr. Sunil Kumar Karn

For the Respondent/s : Mr. Ajay Bihari Sinha Sc19

(In CWJC No.14572 of 2011)

For the Petitioner/s : Mr. Satish Chandra Jha-3

For the Respondent/s : Mr. Ajit Pratap Singh Sc15

(In CWJC No.16972 of 2011)

For the Petitioner/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr. Sc2

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
CAV ORDER

8. 10 -11-2016 In all the aforesaid writ petitions, since same relief was sought for, all the writ petitions were heard together and order was reserved.

2. In all the writ petitions, petitioner(s) were initially appointed as Assistant Teacher on compassionate ground, as per recommendation made by District Compassionate Committee, Madhubani. Petitioner(s) have prayed for quashing of order dated 20-04-2011 passed by the District Superintendent of Education, Madhubani by different memo nos. By the said order, the District Superintendent of Education has directed to recover the excess paid amount to the petitioner(s), which was to be recovered at the rate of Rs. 2,000/- per month from their salary. In respect of some of petitioners, recovery to the extent of Rs. 20,000/- was made, however; in some cases, recovery could not be made. The detail of

the cases will be indicated hereinafter.

3. In the 1st case i.e. C.W.J.C. No. 15885 of 2011 (Anil Kumar vs. The State of Bihar & Ors.), since counter affidavit was filed on behalf of respondents, same was taken as lead case.

4. Short fact of the case in C.W.J.C. No. 15885 of 2011 is that the District Compassionate Committee, Madhubani recommended for appointing the petitioner on compassionate ground as Assistant Teacher. Accordingly, the District Education Establishment Committee, Madhubani, in its meeting held on 27-11-2001, decided to appoint the petitioner as Assistant Teacher. Subsequently, the District Superintendent of Education, Madhubani, vide letter no. 4074 dated 27-11-2001, appointed the petitioner as Assistant Teacher, who joined on 03-12-2001. The petitioner thereafter was sent for training during his service period and finally, he was relieved by the Principal of Primary Teachers Training College at Narar, Madhubani after completion of training for giving joining in his school i.e. Primary School, Sarokha, Babu Barhi, Madhubani, vide Memo dated 18-04-2007. It is case of the petitioner that he was given revised pay-scale as Rs. 4500-125-7000/- which was fixed on 01-01-2006. The petitioner for a long period was not allowed to do his primary work of teaching, however; other work was taken by the respondents. In the meanwhile, some objections were raised by the Auditor of the



office of Accountant General, Bihar. Thereafter, it was considered by the Public Account Committee and thereafter, vide order contained in letter no. 578 dated 22-06-2006, the Director, Primary Education directed to recover the amount paid in terms of salary to such teachers, who remained out of teaching work and did not perform duty of teaching. The petitioner was noticed and finally, vide order dated 18-08-2006, it was directed to recover from the salary of the petitioner as well as other similarly situated persons in installment of Rs. 2000/- per month on the plea of adjustment of unproductive expenses, in view of audit object of Accountant General, Bihar. The said order was challenged before this Court, vide C.W.J.C. No. 12086 of 2006. In the said writ petition, an interim order was passed on 18-05-2007, whereby order of recovery was directed to be stayed. The said writ petition was finally disposed of granting permission to petitioners to file representation before the District Superintendent of Education, Madhubani. The relevant portion of the order dated 11-07-2007 in C.W.J.C. No. 12086 of 2006 is as follows:-

“In view of the above, the petitioners are permitted to file fresh representation before the District Superintendent of Education, Madhubani, respondent no. 6, within a period of six weeks along with the copy of the relevant documents in support of the claim as well as the certified copy of this order.

Upon receipt of such representation, the respondent no. 6 shall consider and dispose of the same by a reasoned order in accordance with law, expeditiously,

preferably within a period of two months on receipt of the representation. In case the representation of the petitioner finds favour, immediate necessary order(s)/direction(s) shall be issued so that the grievances of the petitioner could be redressed without further delay.

It is, however, directed that so long the representation of the petitioners is not finally disposed of, the interim order passed by this Court on 18th of May, 2007, whereby the operation of the order as contained in memo no. 2514 dated 18.08.2006 was directed to remain stayed, shall continue.

The writ application with the above observations and directions is disposed of."

5. Thereafter, petitioners filed representations and similar other representations were filed and again, the representations of petitioners were rejected, vide order contained in Memo No. 4785 dated 08-12-2008 by the District Superintendent of Education, Madhubani. The said order was passed on 08-12-2008. The said order was again challenged before this Court by filing C.W.J.C. No. 1826 of 2009, which was heard and disposed of on 05-02-2009. It is necessary to incorporate the order dated 05-02-2009, which is as follows:-

"Heard counsel for the parties.

It is unfortunate that an Officer in the rank of District Superintendent of Education is not in a position to understand the order of this Court. It would really raise a question of being competent to hold such post.

This Court on the earlier occasion having noticed that recovery of pay can only be made from the petitioners and other similarly situated persons if there is direct proof that the petitioners have not worked on the post as was pointed out by the Accountant General in its audit report, had remitted the matter back



to the District Superintendent of Education, Madhubani to examine individual cases of the petitioners in the light of the evidence to be furnished by them and the similarly situated other persons for deciding as to whether they had really worked in the period in question. Unfortunately, even when the petitioners had adduced evidences of their working, not a word has been said about them and again a mechanical stereotyped routine order, that too in the prescribed format by only filling the name of the persons, has been passed and issued by the D.S.E.. This would only reflect the mechanical approach and/or callous attitude of the respondent District Superintendent of Education.

Under such situation, this Court is constrained to again set aside the impugned order as contained in Annexure-1 and direct the District Superintendent of Education to examine individual cases of each of the petitioners and other similarly situated persons and to record finding on the basis of evidence adduced by the petitioners and other persons who were earlier subjected to order of recovery and place his comments on such individual cases before the District Education Establishment Committee which is the competent authority under the Cadre Rule to take any decision with regard to recovery of amount.

That being so, this Court would direct the petitioners or any other persons similarly situated to file a fresh individual representation along with copy of order of this Court and the earlier order of this Court dated 11.7.2007 enclosing all relevant evidence of their working, whereafter the District Superintendent of Education as directed above will individually examine and submit his report thereon to the District Education Establishment Committee for taking a final decision.

Till such exercise is completed, there would be no further recovery from the petitioners as was directed even in the earlier order of this Court dated 11.7.2007.

This Court accordingly while remitting the matter back would direct both the District Superintendent of Education as also the District Education Establishment Committee to

comply the order of this Court dated 11.7.2007 as also the present order in the letter and spirit within a period of six months from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction this application is disposed of."

6. After the order dated 05-02-2009 passed in C.W.J.C.

No. 1826 of 2009, again the matter was considered and the District Superintendent of Education, Madhubani has passed the order on 20-04-2011. The order dated 20-04-2011 in respect of petitioner of the 1st case, it was indicated that the petitioner was posted in the district office and remained there from March, 2002 to October, 2005 and he has received Rs. 2,29,069/-, which was excess and from him, till the date of order, Rs. 20,000/- was already recovered. The remaining amount was directed to be recovered in the installment of Rs. 2000/- per month from the salary. The order of the District Superintendent of Education was passed, in view of decision taken in the District Education Establishment Committee dated 18-04-2011.

7. It is pertinent to mention here that in all the aforesaid writ petitions, similar order was passed on the same date i.e. 20-04-2011 under the signature of District Superintendent of Education, Madhubani. In some cases, till the date of passing of the order i.e. order dated 20-04-2011, recovery to the extent of Rs. 20,000/- was already done and in some cases, no recovery was effected. The detailed chart of the aforesaid cases are given here-in-

below:-

Sl. No.	C.W.J.C. No.	Name of Petitioner(s)	Recoverable Amount	Recovered Amount
1	15885/11	Anil Kumar	2,29,069/-	20,000/-
2	15111/11	Kamlesh Kumar	2,29,761/-	20,000/-
3	9613/12	Kameshwar Singh	1,14,728/-	20,000/-
4	19651/11	Md. Mahtab Alam	1,79,188/-	20,000/-
5	19745/11	Arbind Kumar Yadav	1,90,310/-	20,000/-
6	22782/12	(i) Pankaj Kumar Choudhary (ii) Manoj Kumar	59,709/- 1,74,821/-	20,000/- 20,000/-
7	6128/12	Kailash Nath Jha	2,28,242/-	20,000/-
8	23325/11	(i) Avinash Kumar Jha (ii) Ganesh Kumar Singh (iii) Jitendra Kumar Jha (iv) Pankaj Kumar Thakur (v) Gangesh Jha	1,63,071/- 1,89,556/- 1,90,367/- 1,69,511/-	20,000/- 20,000/- 20,000/- 20,000/-
9	23258/11	Anil Kr. Pradhan	95,141/-	Nil
10	22886/11	Sanjay Kumar Jha	2,30,877/-	20,000/-
11	22716/11	Jay Sankar Mandal	1,57,152/-	20,000/-
12	17471/11	Ashok Kumar Singh	1,57,103/-	20,000/-
13	17556/11	Dhirendra Kumar	1,79,337/-	20,000/-
14	16946/11	Jaisri Gohiwar	1,42,628/-	20,000/-
15	19369/11	Sanjay Kumar Paswan	1,43,742/-	20,000/-
16	19396/11	Manish Kumar	1,67,398/-	20,000/-
17	19878/11	Krishan Kumar Yadav	1,70,025/-	20,000/-
18	20170/11	Satish Chandra Jha	95,201/-	Nil
19	20182/11	Ajit Kumar Mishra	82,618/-	Nil
20	20200/11	Rudra Nath Rai	2,10,080/-	20,000/-
21	2011/13	Dhrub Krumar Jha	95,435/-	Nil
22	20292/11	Sudhakar Thakur	91,023/-	Nil
23	16505/11	Ram Vinod Kr. Singh	1,43,025/-	20,000/-
24	16347/11	(i) Ramesh Kr. Pandey (ii) Alok Ranjan Das (iii) Smt. Shobha Sahu	95,542/- 95,263/- 95,435/-	Nil Nil Nil
25	20234/11	Md. Sanauallah	1,45,435/-	Nil
26	17412/11	(i) Satish Pd. Singh (ii) Subhash Kr. Sarhan (iii) Md. Faqurddin (iv) Anil Kumar Singh (v) Md. Naushad Alam (vi) Smt. Kiran Juneza	2,29,219/- 1,70,000/- 1,79,158/- 2,11,804/- 1,91,309/- 1,72,152/-	20,000/- 20,000/- 20,000/- 20,000/- 20,000/- 20,000/-
27	14572/11	(i) Devendra Pd. Singh (ii) Santosh Kumar (iii) Anjani Kumar (iv) Md. Shamim (v) Shiv Narayan Singh	2,45,106/- 2,29,396/- 2,38,393/- 2,37,792/-	20,000/- 20,000/- 20,000/- 20,000/-
28	16972/11	Lalan Kumar Thakur	1,70,025/-	20,000/-

8. Learned counsel for the petitioners have assailed the order impugned mainly on the ground that the petitioners though were appointed on compassionate ground, but were appointed as Assistant Teacher and as such, they were provided the pay-scale of Assistant Teacher, which was drawn by petitioners. It is specific



stand of the petitioners in all the cases that they never misrepresented or misled the authority concerned for obtaining salary, which has been alleged by the respondents as excess. It has been argued that though petitioners were appointed as Assistant Teacher, but the respondents had taken many other works from them, such as; work on election duty, invigilation etc. In none of the cases, there is any allegation that petitioners voluntarily did not discharge the duty as Assistant Teacher. Once they were appointed as Assistant Teacher, whether the respondents had taken work from them as Assistant Teacher or otherwise, the respondents were not at all entitled to take a decision at subsequent stage to recover any amount from the paid salary to the petitioners on the plea that no teaching work was taken from the petitioners. It has been emphatically argued that petitioners were Class III employee and there was no allegation of misrepresentation or commission of any fraud and they had drawn salary as Assistant Teacher since they were appointed as Assistant Teacher, ofcourse on compassionate ground. Learned counsel for the petitioners have placed heavy reliance on a recent judgment of the Apex Court reported in **2015(1) PLJR(SC) 261 { State of Punjab and others Vs. Rafique Masih (White Washer)}**. It has been argued by learned counsel for petitioners that in view of Rafique Masih's case (supra), now issue has already been set at rest.



9. Ofcourse, aforesaid writ petitions were filed in the year 2011, but till the date on which order was reserved, in number of cases, no counter affidavit was filed on behalf of the respondents, however; in 1st case (i.e. C.W.J.C. No. 15885 of 2011), counter affidavit was filed on behalf of the respondents. Similarly, in some other cases, counter affidavit was filed, but common ground was taken that the decision was taken to recover the amount on the basis of objection raised by the office of Accountant General that it was a case of unproductive expense and as such, it was required to be recovered. A common stand has been taken that though petitioners were appointed as Assistant Teacher, for longer period they had not discharged any teaching work. However, it has been admitted that from them, work was taken in relation to election duty, invigilation etc. A plea has been taken that from the date of their appointment till their posting in their school, the petitioners had received payment, which was found to be unproductive expense and same objection was raised by the audit team of Accountant General.

10. Learned counsel for the State submits that the order impugned was passed after giving full opportunity to the petitioners to explain as to whether they had discharged duty of teaching work or not.

11. Besides hearing learned counsel for the parties, I



have also perused the materials available on record. It is not in dispute that petitioners were appointed as Assistant Teacher. Whether from them teaching work was taken or not, it was responsibility of the respondent/State. It is not a case that no work was taken from the petitioners. Once, they were paid salary as Assistant Teacher on which post they were appointed, at subsequent stage, the respondents were not all authorized to take step for recovery of any amount on the plea that it was unproductive expenses. It is undisputed that petitioners had not made any misrepresentation or had committed any fraud in getting the pay-scale of Assistant Teacher. Once petitioners were appointed as Assistant Teacher, it was incumbent on the part of the respondents to take work from them as teacher. Instead of taking work as Teacher, some other work was taken from the petitioners. Moreover, Rafique Masih's case (supra) in paragraph – 12, the Supreme Court has already laid down a law that in such cases, no recovery can be effected. At this juncture, the Court proposes to quote paragraph – 12 of Rafique Masih's case (supra), which is as follows:-

“12. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to hereinabove, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:-

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- (i) **Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).**
 - (ii) **Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.**
 - (iii) **Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.**
 - (iv) **Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.**
 - (v) **In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far out-weigh the equitable balance of the employer's right to recover."**

12. In view of facts and circumstances of aforesaid cases, particularly the fact that petitioners had drawn salary as Assistant Teacher, as they were appointed as Assistant Teacher, it would be difficult to approve the impugned order passed in aforesaid writ petitions. In view of principle laid down by the Apex Court in Rafiq Masih's case (supra), as indicated above as well as in view of the fact that petitioners being Class III employees and had drawn their salary, as Assistant Teacher, respondents may not be allowed to take any step for any recovery on the plea that it was

unproductive expense.

13. Accordingly, the order dated 20-04-2011 passed by the District Superintendent of Education, Madhubani in respect of aforesaid petitioners are hereby set aside, with a direction to refund the recovered amount, which has been indicated here-in-above, to concerned petitioners from whom recovery has already been effected. The recovered amount must be refunded to concerned petitioners within a period of four months from the date of receipt/production of a copy of this order.

14. All the aforesaid writ petitions are allowed.

(Rakesh Kumar, J.)

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