

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10012 of 2016

=====

1. Rambha Kumari Wife of Sri Mukesh Kumar Resident of Village - Gorgama, Police Station - Patory, District - Samastipur, Assistant Teacher Government Primary School, Gorgama, Patory, Samastipur.
2. Lalita Kumari Wife of Sri Ramlala Chaudhary Resident of Village - Emansarai, Police Station - Patory, District - Samastipur, Assistant Teacher Government Primary School, Emansarai, Patory, Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Education Department, Government of Bihar, New Secretariat (Bikas Bhawan), Patna.
4. The Director, Primary Education Department, Government of Bihar, New Secretariat (Bikas Bhawan), Patna.
5. The Director, State Council of Educational Research and Training Bihar, Bihar, Education Department, Government of Bihar, Mahendru, Patna.

.... Respondent/s

=====

with

Civil Writ Jurisdiction Case No.8196 of 2015

=====

1. Nisha Kumari. W/o Shri Anil Kumar Chaudhary. R/o At + P.O.- Shahpur Undi, P.S.- Patory, District - Samastipur.

.... Petitioner/s

Versus

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

Samastipur.

6. The Block Development Officer, Patory, District - Samastipur.

7. The Block Education Officer, Patory, District - Samastipur.

8. The Panchayat Sewak-cum-Secretary, Primary Teacher Employment Unit, Gram Panchayat Raj - Shahpur Undi, Block + P.S.- Patory, District - Samastipur.

9. The Mukhiya-cum-Chairman Primary Teacher Employment Unit, Gram Panchayat Raj Shahpur Undi, Block + P.S.- Patory, District - Samastipur.

.... Respondent/s

=====

with

Civil Writ Jurisdiction Case No.10503 of 2016

=====

1. Manju Kumari Daughter of Shri Mahendra Chaudhary Resident of village - Shahpur Parohi, Police Station - Vibhutipur, District - Samastipur.

2. Kamini Devi Daughter of Shri Ramadhar Thakur Resident of Village - Bande, Police Station - Tajpur, District - Samastipur.

3. Bina Kumari Wife of Shri Vinod Kumar Thakur Resident of Village - Laksharampur, Police Station - Kalyanpur, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.

3. The Principal Secretary, Education Department, Government of Bihar, New Secretariat (Bikas Bhawan), Patna.

4. The Director, Primary Education Department, Government of Bihar, New Secretariat, (Bikas Bhawan), Patna.

5. The Director, State Council of Educational Research and Training Bihar, Bihar, Education Department, Government of Bihar, Mahendru, Patna.

.... Respondent/s

=====

Appearance :

(In CWJC No.10012 of 2016)

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Respondent/s : Mr. Aag11- Ashok Kumar Kesari

(In CWJC No.8196 of 2015)

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Respondent/s : Mr. Paag- Lalit Kishore

(In CWJC No.10503 of 2016)

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Respondent/s : Mr. Lalit Kishore(Paag)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

JUDGMENT AND ORDER

C.A.V.

(Per: HONOURABLE JUSTICE SMT. ANJANA MISHRA)

3 30-08-2016 The three writ applications, namely, C.W.J.C. Nos. 10012 of 2016, 8196 of 2015 and 10503 of 2016, seek to challenge Rule 15(Kha) (i) of Bihar Panchayat Primary Teacher (Employment and Service) Conditions Rules, 2012, as amended by Notification No. 7/vividh-14-52/2014-1066, dated 08.09.2015, whereby provisions have been made by the impugned Rules to remove such teachers, who fail to secure minimum marks in three consecutive *evaluation tests*.

The question, as to whether the impugned Rules are valid or not, came up for decision before this Bench in C.W.J.C. No. 10187 of 2016 and its analogous cases.

By the judgment and order, dated 05.08.2016, passed in C.W.J.C. No. 10187 of 2016 and its analogous cases, this

Court has held that the impugned Rules are valid. Consequently, the writ petitions have been dismissed.

As the present writ petitions relate to the subject matter, which is covered by C.W.J.C. No. 10187 of 2016 and its analogous cases, these writ petitions, too, are hereby dismissed.

However, there shall be not order as to cost.

(Anjana Mishra, J)

I.A. Ansari, C.J. I agree.

(I.A. Ansari,CJ)

Saif/-

NAFR	
CAV DATE	20.07.2016
Uploading Date	31.08.2016
Transmission Date	N/A