

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11011 of 2016

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1. Nandini Kumari D/o Late N.K. Prasad, W/o Sri B.N. Singh resident of Flat no. : - 102 D, Ashirwad Enclave, Boring Canal Road, P.S. - Buddha Colony, Town & District - Patna.
 2. Gagandeo Ram S/o Late Mangani Ram resident of Village -Mahuawa, P.S. - Chiraiya, District - East Champaran (Motihari).
 3. Subhas Baitha S/o Late Ram Lochan Baitha resident of Village - Bangara Bazar, P.S. - Bijayeeपुर, District - Gopalganj.
 4. Anil Kumar Prasad S/o Late Gopal Lal resident of Village - Lakdibanbir, P.S. - Fulwariya, District - Gopalganj.
 5. Krishna Kant Tiwari S/o Late Bainath Tiwari resident of village - Gorakh Parasi, P.S. - Karakat Gorari, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
3. The District Education Officer, West Champaran at Bettiah.
4. The District Education Officer, Saran at Chapra.

.... Respondent/s

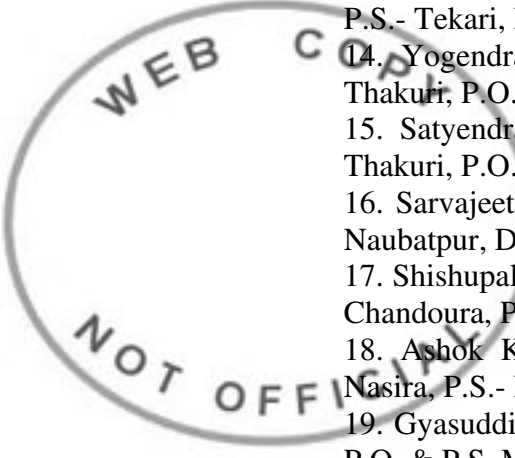
with

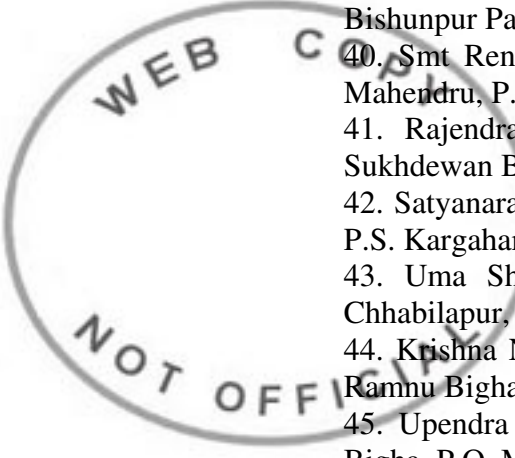
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Civil Writ Jurisdiction Case No. 11160 of 2016

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1. Lalan Mahto, Son of Sri Narsingh Mahto, Resident of Village- Korar, P.O. & P.S.- Basantpur, District- Siwan
2. Ramjee Pandey Son of Late Kapildeo Pandey Resident of Village- Bhati, P.O.- Kachnar, P.S.- Raghunathpur, District- Siwan.
3. Ram Dayal Sharma Son of Late Budhan Sharma Resident of Village & P.O. Banu Chhapar, P.S.- Muffasil Bettiah, District- West Champaran.
4. Awadh Kumar Tiwary, Son of Late Ram Naresh Tiwary Resident of Village & P.O. Bilauti, P.S. Shahpur, District- Bhojpur.
5. Umesh Kumar Singh Son of Late Parmanand Singh Resident of Village+P.O.+P.S.- Nawada, District- Bhojpur.
6. Ram Sewak Ram Son of Late Sukhdeo Ram Resident of Village- Foohari, P.O.- Kharouna, District- Madhubani.
7. Ram Bilash Prasad, Son of Late Harihar Prasad Resident of Village and P.O. Baulipur, P.S.- Sohsarai, District- Nalanda.
8. Harendra Kumar Dubey, Son of Late Ramayan Dubey, Resident of Village & P.O. Sanphi P.S. Raghunathpur, District- Siwan.
9. Kumari Kiran Mishra Wife of Ashok Mishra Resident of Village & P.O. Salaha, P.S. Gobindganj, District- East Champaran.
10. Ashish Kumar Gupta Son of Late Chandra Mohan Prasad Gupta, Resident of Mahavir Lane Mahendru, P.S.- Sultanganj, District- Patna.
11. Akhilesh Kumar Son of Sri Sidhnath Sharma Resident of Village- Gopalpur, P.O. Maohamadpur, P.S. Bikram, District- Patna.

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12. Shekhar Son of Late Deoki Sinha, Resident of Village- Chakalna, P.S.- Masaurhi, District- Patna
 13. Arun Prakash Son of Late Sitaram Sharma Resident of Village & P.O.- Bhorey, P.S.- Tekari, District- Gaya
 14. Yogendra Kumar Son of Sri Lxmi Narayan Sharma Resident of Village- Thakuri, P.O. Banauli, P.S. Paliganj, District- Patna
 15. Satyendra Kumar Son of Sri Laxmi Narayan Sharma Resident of Village- Thakuri, P.O. Banauli, P.S. Paliganj, District- Patna
 16. Sarvajeet Son of Late Akhilanand Resident of Village & P.O.- Pitwas, P.S.- Naubatpur, District- Patna.
 17. Shishupal umar Son of Late Harihar Singh Resident of Village- Salimpur, P.O.- Chandoura, P.S. Wena, District- Nalanda.
 18. Ashok Kumar Pandey Son of Late Janakdeo Pandey Resident of Village- Nasira, P.S.- Manjhi, District- Saran.
 19. Gyasuddin Ansari Son of Late Ali Ahmad Resident of Village- Chota Karauli, P.O. & P.S. Mirganj, District- Gopalganj.
 20. Rakesh Prasad Sinha Son of Late Keshav Prasad Sinha Resident of Village- Ganjpar, P.O.- Chandaury, P.S. Wena, District- Nalanda.
 21. Upendra Kumar Singh Son of Sri Mahavir Singh Resident of Village & P.O. Kherra, P.S. Parwalpur, District- Nalanda.
 22. Raj Kumari Singh Daughter of Late Satyadeo Naryan Singh Resident of Village Hansrapur, P.S. Ekma, District- Saran.
 23. Parsuram Prasad, Son of Late Deoki Ram Resident of Village- Akoda, P.O. and P.S.- Nawanagar, District- Rohtas.
 24. Rajendra Prasad Gupta Son of Late Hariwaris Sah, Resident of Village Sonaw, P.O. Awariyan, P.S. Kudra, District- Kaimur.
 25. Krishna Mohan Thakur Son of Late Kusheshwar Thakur, Resident of Village- Mathurapur, P.O.- Sihi, P.S.- Mogalpur, District- Muzaffarpur.
 26. Subhash Sah, Son of Late Gyan Sah Resident of Gandhi Path, Gorla Math, P.O.- Mithapur, P.S.- Jakkampur, District- Patna.
 27. Mansoor Alam Son of Kalimuddin Resident of Village- Rambagh, P.S.- Purnea, District- Purnea.
 28. Kaushlendra Kumar, Son of Sri Bisheshwar Prasad Resident of Village- Sadarpur, P.S. Bind, District- Nalanda.
 29. Shiv Shankar Choudhary Son of Late Aliwar Choudhary Resident of Village & P.O. Choori, P.S. Dev, District- Aurangabad.
 30. Kumari Sumitra Sinha Wife of Madan Lal Vishwakarma Resident of Village- Shahpur, P.O.- Karanja, District- Patna.
 31. Kavita Kumari wife of Shailendra Kumar Choudhary Resident of Village- Patori, P.O. Patori Basant, P.S. Mori, District- Darbhanga.
 32. Hare Krishna Jha Son of Shivkant Jha, Resident of Village+P.O.+P.s.- Barbiga, District- Sheikhpura.
 33. Makeswar Sharma Son of Late Bechu Sharma Resident of Village & P.O. Moriana, P.S. Bikram, District- Patna
 34. Umesh Rai Son of Baso Rai Resident of Village- Oriama, P.S. Dalsinsarai, District- Samastipur.
 35. Suryamani Kumari Wife of Chitranjan Prasad Resident of Village & P.O. Akhtiyarpur, P.S. Bikram, District- Patna.
 36. Bhim Singh Son of Late Ram Lakhan Singh Resident of Village & P.O. Purepandey, P.S. Tejgarh, District Pratapgarh (U.P.)
 37. Pushpadant Singh Son of Late Ishwardhari Singh Resident of Village- Baropur, P.O.- Beruti, P.S.- Baniyapur, District- Saran.

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38. Suresh Thakur Son of Late Bishinath Thakur Resident of Village & P.O.- Rampur, P.S.- Rajpur, District- Buxar.
39. Baidyanath Choudhary Son of Shivbrat Choudhary Resident of Village & P.O. Bishunpur Pakari, P.S. Beur, District- Patna.
40. Smt Renu Kumari wife of Raj Kumar Resident of Mohalla- Saidpur, P.O.- Mahendru, P.S. Kadamkuan, District- Patna.
41. Rajendra Ram, Son of Late Bankey Bihari Ram, Resident of Village- Sukhdewan Bigha, P.O. Chauri, P.S. Daudnagar, District- Aurangabad.
42. Satyanarayan Sah Son of Late Heera Sah Resident of Village & P.O. Dibhiya, P.S. Kargahar, District - Rohtas.
43. Uma Shankar Singh Son of Late Sarvajeet Singh Resident of Village- Chhabilapur, P.O.- Shreekhinda, District- Rohtas.
44. Krishna Nandan Sharma Son of Late Janak Dhari Singh Resident of Village- Ramnu Bigha, P.O. Mehus, P.S.+District- Sheikhpura.
45. Upendra Prasad Son of Sri Laxmi Prasad Sinha, Resident of Village- Taju Bigha, P.O. Mirchaiganj, P.S. and District- Nalanda.
46. Satyadeo Singh Son of Sri Ram Baran Singh Resident of Village- Jeewanchak, P.O.- Top, P.S.- Sahjahapur, District- Patna.
47. Sarvesh Kumar, Son of Sri Rajeshwar Prasad Resident of Village- Shivr Nagar, P.O.- Habbipur, P.S.- Parwalpur, District- Nalanda.
48. Anant Singh Son of Nanjeet Singh Resident of Village & P.O. Bhatoli, Via Nawanagar, P.S. Nawanagar, District- Buxar.
49. Siya Sharan Prasad, Son of Late Phakira Das, Resident of Village- Sadopur, P.O.- Maghara, P.S.- Deepnagar, District- Nalanda.
50. Janardan Choudhary Son of Late Domilal Choudhary Resident of Village- Pandey Bigha, P.O. Ankari, District- Nawadah.
51. Kaulesh Sharma, Son of Sri Raghun Sharma, Resident of Village- Sanahi Tola, P.O.+P.S.- Naubatpur, District- Patna.
52. Shaliram Sharma, Son of Late Sudarshan Singh Resident of Village- Dina Bigha, P.O.- Ditiyana, P.S.- Bikram, District- Patna.
53. Ram Nandan Prasad, Son of Late Shukar Mahto, Resident of Village- Dhobi Chak, P.O.- Dabhawa, District- Patna.
54. Md. Mozib Ansari, Son of Late Md. Daqridan, Resident of Village & PO- Tera, P.S.- Karpi, District- Arwal.
55. Kamlesh Kumar Singh Son of Late Deobansh Singh Resident of Village- Gokhari, P.O. Padrawn, P.S- Jamhori via Jamehri, District- Aurangabad.
56. Ram Swaroop Prasad, Son of Bhati Ram, Resident of Village- Hazara, P.O. Laundh, P.S.- Silval, District- Nawadah.
57. Harendra Prasad, Son of Sri Karo Mahto Resident of Village- Dumari, P.O. Lakhipur, P.S. Mohanpur, District- Gaya.
58. Neelam Kumari wife of Ajay Kumar Jha Resident of Panchwati Chowk, Ward No.16, Gangjala, P.S. Saharsa, District- Saharsa.
59. Diwakar Singh Son of Late Ramashish Singh, Resident of Village- Neknama, P.O. Chaturshi via Meenapur, District- Muzaffarpur.
60. Irshad Ahmad, Son of Late Abdus Shakar Ansari Resident of Ishanagar, P.O. & P.S.- Phulwari Sharif, District- Patna.
61. Umesh Tiwari Son of Late Moondeo Tiwari Resident of Village- Pipra Khas, P.S.- Mirganj, District- Gopalganj.
62. Vidya Shankar Dwivedi Son of Brahm Bihari Dwivedi Resident of Village- Manpur Lahejee, P.O. Asaown, P.S. Andar, District- Siwan.
63. Gupt Narayan Singh Son of Late Budhram Singh Resident of Village & P.O. Sangraon, P.S. Rajpur, District- Buxar.

64. Shivendra Pratap Singh, Son of Late Jamadar Singh Resident of Village & P.O. Badhiha Parshuram, P.S. Bhatpur Rani, District Dewaria (U.P.)
65. Binod Kumar Singh Son of Late Sarvadeo Singh Resident of Village- Badiha Dalpur, P.S.- Bhatpar Rani, District- Dewaria (U.P.)
66. Suman Kumar Singh Son of Sri Ram Krishna Singh Resident of Village- Basopali, P.S. Siwan Mufassil, District- Siwan.
67. Dinesh Prasad Son of Sri Ram Prasad Bhagat Resident of Kumhrar, P.S. Agamkuan, District- Patna.
68. Reeta Kumari Mishra Wife of Narendra Kumar Jha Resident of Village & P.O.- Saidapur, P.S. Godda, District- Godda (Jharkhand)
69. Devendra Prasad Singh Son of Late Prabhu Narayan Singh Resident of Village & P.O.- Kuwaliray, District- Samastipur.
70. Ashok Kumar, Son of Late Bangali Singh Resident of Village- Tarapur, P.S. Wena, District- Nalanda.
71. Satish Chandra Jha, Son of Late Dhaneshwar Jha, Resident of Village & P.O.- Karzapatti, District- Darbhanga.
72. Arvind Kumar, Son of Late Ramashray Singh Resident of Village- Neria, P.O. Chiksi, P.S.- Sigori, District- Patna.
73. Devendra Bahadur Mathur, Son of Late Brajendra Bahadur Mathur, Resident of Deewan Mohalla, Patna City, District- Patna.
74. Amin Singh Son of Late Hiranman Singh Resident of Village- Manjhupur, P.O. Parasiya, P.S. Jagdishpur, District- Bhojpur.
75. Vijay Kumar Prasad Son of Sri Paras Nath Roy, Resident of Village- Ratnarh, P.S. Agiawan, District- Bhojpur.
76. Mohan Choudhary Son of Sri Chandrika Choudhary Resident of Village- Dariyapur, P.O. Gangachak, P.S. Masaurhi, District- Patna.
77. Md. Nasimuddin Ahmad, Son of Late Jananuddin Hussain Resident of Village & P.O. Deohara, P.S. Goh, District- Aurangabad.
78. Vinayak Tripathi Son of Late Shiv Kumar Tripathi Resident of Village- Parasiya, P.O. Mojrada, P.S. Nokha, District- Rohtas.
79. Naseem Akhtar Son of Wazid Alam, Resident of Village & P.O.- Belhauri, P.S. Dulhin Bazar, District- Patna.
80. Ekbal Ahmad Son of Saiyad Jahiruddin Resident of At+P.O.+P.S.- Hindpari, District- Ranchi (Jharkhand)
81. Shiv Shankar Choudhary Son of Late Sitaram Choudhary Resident of Village- Sinaura, P.S. Bahadurpur, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Director, Research & Training, Govt. of Bihar, Patna.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11896 of 2016

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Bijay Chandra Bhagat

.... Petitioner/s

Versus

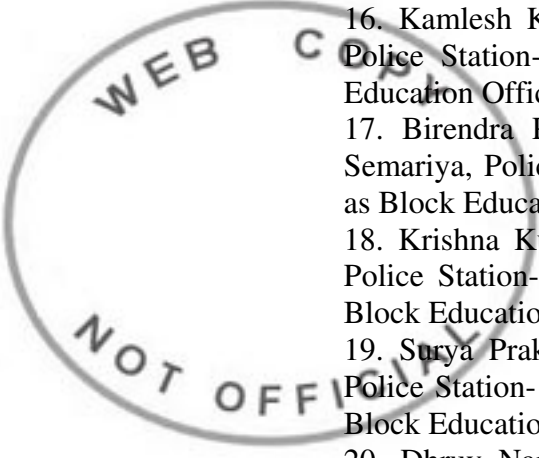
The State of Bihar & Ors

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 11979 of 2016

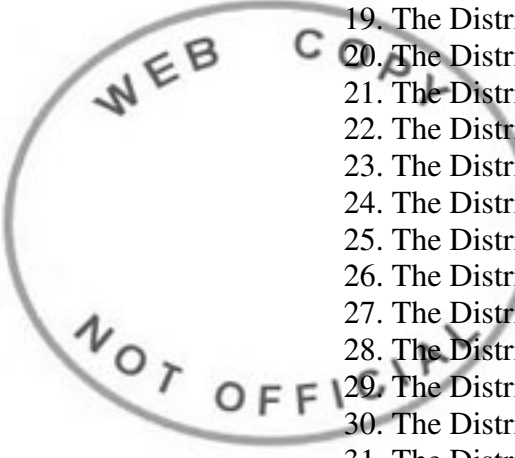
1. Radhey Shyam Sharan Son of late Yugeshwar Sahu, resident of Village- Mahinathpur, P.O. Kharauiwa, Police Station- Rahika, District- Madhubani, at present posted and Working as Block Education Officer, Baheri District- Darbhanga.
2. Shiy Prasad Singh Son of Shri Mahendra Singh, resident of Village- Kobiyan, Police Station- Kudhani, District- Muzaffarpur, at present posted and Working as Block Education Officer, Tetia Bambar District- Munger.
3. Md. Isa son of Late Md. Shahid, resident of Village- Darzia, Police Station- Madhopur, District- Madhubani, at present posted and Working as Block Education Officer, Katra District- Muzaffarpur.
4. Virendra Ram Son of Late Radhika Ram resident of Village- Suryapur, Police Station- Basantpur, District- Siwan, at present posted and Working as Block Education Officer, Sikta District- West Champaran.
5. Manju Kumari Wife of Shri Ram Binod Prasad Deo, resident of Village- Kashipur Ward No. 10, Police Station-Town Samastipur, District- Samastipur, at present posted and Working as Block Education Officer, Town Munger, District- Munger.
6. Mohan Prasad son of Shri Ram Prit Sah, resident of Village- Khorikar, Police Station- Jamo Bazar, District- Siwan, at present posted and Working as Block Education Officer, Kalyanpur District- East Champaran.
7. Savitri Kumari daughter of Shri Bangali Singh, resident of Village- Ichahaus, Police Station- Islampur, District- Nalanda, at present posted and Working as Block Education Officer, Dighalbank District- Kishanganj.
8. Suresh Roy, Son of Late Ram Karan Roy, resident of Village- Pachhiyari Tola Tabhaka, Police Station- Bibhutipur, District- Samastipur, at present posted and Working as Block Education Officer, Bakhtiyarpur, District- Patna.
9. Arun Prakash son of Jhapasu Mahto, resident of Village- + P.O. Naulagarh, Police Station-Bhagwanpur, District- Begusarai, at present posted and Working as Block Education Officer, Dharhara District- Munger.
10. Kamlesh Ram Son of Late Kishori Ram, resident of Village- + P.O. Maldah, Police Station- Barbiga, District- Sheikhpura, at present posted and working as Block Education Officer, Muffasil Sadar Munger, District- Munger.
11. Bajiu Jha Son of Late Taranand Jha, resident of Village- Bhour (Dakshin), Police Station- Pandaul, District- Madhubani, at present posted and working as Block Education Officer, Sindhiya, District- Samastipur.
12. Vijay Kumar Jha, Son of Late Digambar Jha, resident of Village- Nawanagar, Police Station- Alinagar, District-Darbhanga, at present posted and working as Block Education Officer, Saraiya, District- Muzaffarpur.
13. Vikrama Prasad Gupta, son of Late Nagendra Prasad Gupta, resident of Village + Police Station- Doriganj, District- Saran (Chapra), at present posted and working as Block Education Officer, Madhubani, District West Champaran.
14. Abdul Khalique Ansari, Son of Late Md, Riyazuddin Ansari, resident of Village- Darjibigha, Police Station- Madanpur, District- Aurangabad, at present posted and working as Block Education Officer, Sheikhpura, District- Sheikhpura.

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15. Shambhu Sharan Singh Son of late Manikchadn Singh, resident of Village-Bandiha, Police Station- Rosera, District- Samastipur, at present posted and working as Block Education Officer, Jhanjharpur District- Mdhubani.
 16. Kamlesh Kumar, Son of Late Ramdas Prasad, resident of Village- Shahari, Police Station- Barh, District- Patna, at present posted and working as Block Education Officer, Shamho Akaha Kurha, District- Begusarai.
 17. Birendra Prasad Son of Late Shiv Shankar Prasad, resident of Village-Semariya, Police Station- Nawtan, District- Siwan, at present posted and working as Block Education Officer, Andhradarhi, District- Madhubani.
 18. Krishna Kumar Son of late Jailal Yadav, resident of Village- Balawakhar, Police Station- Fulparas, District- Madhubani, at present posted and working as Block Education Officer, Manigachhi, District- Darbhanga.
 19. Surya Prakash son of Late Mahabir Prasad Verma, Resident of Mohalla+ Police Station- Bhagwan Bazar, District- Siwan, at present posted and working as Block Education Officer, Pachrukhi District- Siwan.
 20. Dhruv Narayan Pandey son of Late Harihar Pandey, resident of Mohalla-Dakshin Tola (Gulzar Bazar), Siwan, Police Station- Siwan Muffasil, District-Siwan, at present posted and Working as Block Education Officer, Katarisara, District-Nalanda.
 21. Ajay Kumar Son of Late Gangadhar Prasad Singh, resident of Mohalla- Hem Nagar Purwee Bhag Sandha Chapra, Police Station- Chapra Muffasil, District-Saran (Chapra), at present posted and Working as Block Education Officer, Daraunda, District Siwan.
 22. Kanti Yadav son of Shri Jainath Prasad Yadav resident of Mohalla- Ratanpura North of Jail, P.O. Bhagwan Bazar, Police Station- Bhagwan Bazar, District- Saran (Chapra), at present posted and working as Block Education Officer, Guthani, District- Siwan.
 23. Rash Bihari Dubey son of Late Shabhu Nath Dubey, resident of Village-Bharhopur, Police Station- Ekma, District- Saran (Chapra), at present posted and working as Block Education Officer, Goreyakothi, District- Siwan,
 24. Yogendra Ram son of Late Bisheshwar Ram resident of Village- Manikpur, P.O. + Police Station- Saraiya, District- Muzaffarpur, at present posted and Working ad Block Education Officer, Chapra Town, District- Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Saran Division, Chapra.
4. The Regional Deputy Director of Education Darbhanga Division, Darbhanga.
5. The Regional Deputy Director of Education, Munger Division, Munger.
6. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
7. The Regional Deputy Director of Education, Purnea Division, Purnea.
8. The Regional Deputy Director of Education, Patna Division, Patna.
9. The District Education Officer, Darbhanga.
10. The District Education Officer, Munger.
11. The District Education Officer, Muzaffarpur.
12. The District Education Officer, West Champaran, Bettiah.
13. The District Education Officer, East Champaran, Motihari.
14. The District Education Officer, Kishanganj.
15. The District Education Officer, Patna.

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16. The District Education Officer, Samastipur.
 17. The District Education Officer, Sheikhpura.
 18. The District Education Officer, Madhubani.
 19. The District Education Officer, Begusarai.
 20. The District Education Officer, Siwan.
 21. The District Education Officer, Nalanda at Biharsharif.
 22. The District Education Officer, Vaishali at Hajipur.
 23. The District Education Officer, Sitamarhi.
 24. The District Education Officer, Madhepura.
 25. The District Education Officer, Bhagalpur null null
 26. The District Education Officer, Saran at Chapra.
 27. The District Programme Officer (Establishment), Darbhanga.
 28. The District Programme Officer (Establishment), Munger.
 29. The District Programme Officer (Establishment), Muzaffarpur.
 30. The District Programme Officer (Establishment), West Champaran at Bettiah.
 31. The District Programme Officer (Establishment), East Champaran at Motihari.
 32. The District Programme Officer (Establishment), Kishanganj
 33. The District Programme Officer (Establishment), Patna.
 34. The District Programme Officer (Establishment), Samastipur.
 35. The District Programme Officer (Establishment), Sheikhpura.
 36. The District Programme Officer (Establishment), Madhubani.
 37. The District Programme Officer (Establishment), Begusarai.
 38. The District Programme Officer (Establishment), Nalanda at Biharsharif.
 39. The District Programme Officer (Establishment), Siwan.
 40. Smt. Sheela Kumari, Govt. of Basic School, Bindpur, District- Begusarai.
 41. Smt. Rita Kumari, the Headmaster, Govt. of Basic School, Majhauria District- Darbhanga.
 42. Shri Shailendra Kumar, the Lecturer, Primary Teacher's Training College, Surhatha, District Vaishali.
 43. Shri Ramesh Shukla Govt. Basic School Pokhauria, Saraiya, District- Muzaffarpur.
 44. Khawaza Moyeuddin Bekas, Govt. Basic School, Majhauria, District- Darbhanga.
 45. Smt. Veena Kumari, Govt. Basic School Ajanoura Noorsarai, District Nalanda.
 46. Shri Narayan Mahto, Govt. Basic School Pakari, District Sitamarhi.
 47. Shri Mahadeo Das, the Headmaster, Govt. Basic School Madhukarchak, District Madhepura.
 48. Shri Shiv Chandra Prasad Yadav, the Block Education Officer, Jagdishpur, District Bhagalpur.
 49. Shri Yugal Kishore, Govt. Basic School Karsa, Bikram, District- Patna.
 50. Shri Satya Prakash Singh, the Headmaster Govt. Basic School Mastichak, District Saran.
 51. Smt. Ragini Kumari, the Headmistress Govt. Basic School Chandwara, District- Muzaffarpur.
 52. Sri Awadesh Prasad Sinha, the headmaster, Govt. Basic School Pukhrera, District- Muzaffarpur.
 53. Ram Janam Singh, Govt. Basic School Katarisarai, District- Nalanda.
 54. Shri Hare Ram Jha, the Headmaster, Govt. Basic School, Ughara Bahadurpur, District- Darbhanga.
 55. Md. Shohel Ahmed Ansari, the Lecturer, Govt. Primary Teacher's Training College, Rampur Jalalpur, District- Samastipur.
 56. Sri Braj Kishore the Headmaster, Govt. Basic School, Rasalpur, District

Nalanda.

57. Smt. Madhu Kumari, S. Govt. Basic School Bakhra, Ratanpura, District-Muzaffarpur. null null

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 12295 of 2016

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1. Bimla Maria Lakra Wife of late Serafin Masih resident of the Leprosy Mission Hospital, Kanhauli, Police Station Mithanpura, District- Muzaffarpur, at present Posted and Working as Block Education Officer, Banjariya, District- East Champaran (Motihari)
2. Parmanand Mishra Son of Shri Shyam Bihari Mishra resident of village-kasile, Police Station -Mail, District- Deoria (Uttar Pradesh), At Present Posted and Working as Block Education Officer, Hasanpura, District-Siwan
3. Nageshwra Kumar Son of late Fakira Das resident of Village- Kushahar Khas, Police Station- Mahua, District- Vaishali, at Present Posted and working as Block Education Officer, Nautan, District-Siwan
4. Chhathu Yadav son of late Shivlal Yadav resident of village- Baghakol, Police Station- Babubarhi, District- Madhubani, at Present Posted and Working as Block Education Officer, Darbhanga Nagar, District-Darbhangha
5. Deo Sharan Raut son of late Ramphal Raut resident of Village + P.O. Nagwas, Police Station- Arer, District- Madhubani at Present Posted and Working as Block Education Officer, Sadar Darbhanga, District- Darbhanga
6. Ramchandra Prasad Vimal son of Shri Shiv Shabkar Yadav resident of Village- Maharajganj Ward No. 13 Police Station- Madhubani, District- Madhubani, at Present Posted and Working as Block Education Officer, Pipariya, District- Lakhisarai
7. Uttam Prasad son of late Shri Das resident of Village - Musapur, P.O. Musapur, Police Station-Saray Ranjan Ghatano, District-Samastipur, at Present Posted and Working as Block Education Officer, Benipur, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The Regional Deputy Director of Education, Saran Division, Chapra
4. The Regional Deputy Director of Education, Darbhanga Division, Darbhanga
5. The Regional Deputy Director of Education, Munger Division, Munger
6. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur
7. The District Education Officer, District- Darbhanga
8. The District Education Officer, Lakhisarai
9. The District Education Officer, East Champaran, Motihari
10. The District Education Officer, Siwan
11. The District Education Officer, Khagaria
12. The District Education Officer, Nalanda at Biharsharif
13. The District Education Officer, Katihar
14. The District Programme Officer (Establishment), Darbhanga
15. The District Programme Officer (Establishment), Lakhisarai

16. The District Programme Officer (Establishment), East Champaran at Motihari
17. The District Programme Officer (Establishment), Siwan
18. Vijay Kumar Paswan, Headmaster, Govt. Basic School, Durgapur, Khagaria
19. Shri Nand Lal Prasad, The Headmaster, Govt. Basic School Kornawan, Nalanda
20. Smt. Reeta Das, Govt. Basic School, Kolasi, Katihar
21. Smt. Sudha Kumari, the Headmistress, Govt. Basic School
22. Shri Prakash Ranjan, the Block Education Officer, Madhuban, East Champaran at Motihari

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 12327 of 2016

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1. Raj Kumar Manjhi Son of Late Ram Balak Manjhi resident of village - Khabasi, P.O. Khabasi, Police Station Baniapur, District - Saran (Chapra) at Present Posted and working as Block Education Officer, Maharajganj, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The Regional Deputy Director of Education, Saran Division, Chapra
4. The District Education officer, Siwan
5. The District Education officer, Muzaffarpur
6. The District Programme officer (Establishment), Siwan
7. The District Programme officer (Establishment), Muzaffarpur
8. Smt. Nirmala Kumari Govt. Basic School, Raghunathpur, District - Muzaffarpur

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11208 of 2016

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1. Ram Briksh Singh S/o - Raghuveer Singh R/o - Village - Pachahar, P.O. - Selra, P.S. - Jaynagar, District - Madhubani. At present posted at B.E.O - Bokhra, Nanpur, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Department, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. District Education Officer, Sitamarhi.
4. District Programme Officer, Establishment, Sitamarhi (Bihar).

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 12666 of 2016

1. Shyam Bahadur Singh, son of Late Ram Swarath Singh, resident of Village + P.O.-Ardeva, P.S- Taraiya, District- Saran at Chapra, presently posted as Block Education Officer, Kateya, Block- Kateya, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar, through The Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education Government of Bihar, Patna.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 11555 of 2016

1. Jay Prakash Narayan Das Son of Santoshi Das Resident of Village- Lalpur Bhader, P.S.- Kahalgaon, District- Bhagalpur (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education of Bihar, Patna.
2. The Principal Secretary, Department Education, Government of Bihar, Patna.
3. The Director Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Katihar (Bihar).

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 12477 of 2016

1. Renu Pandey daughter of Late Nawal Kishore Pandey, resident of Village- Birauli, Police Station- Pusa, District- Samastipur, at present posted and working as Block Education Officer, Sakra, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education Bihar, Patna.
3. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
4. The District Education Officer, Muzaffarpur.
5. The District Programme Officer (Establishment), Muzaffarpur.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 12470 of 2016

=====

1. Rabindra Nath Son of Ram Janam Ojha, Resident of Village- Bajrahiya, Police Station- Ishuapur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Election Officer, Gopalganj.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11545 of 2016

=====

1. Binda Ram son of late Bilat Ram, resident of village- Astipur Lalachak, P.O. Gauspur Izara, Police Station- Hajipur Sadar, District- Vaishali, at present posted and working as Block Education Officer, Pakaridayal, District- East Champaran (Motihari).
2. Ashok Kumar son of Shri Sukhadeo Prasad Yadav, resident of village + P.O. Piranagara, Via Beldour, District- Khagaria, at present posted and working as Block Education Officer, Simari Bakhtiyarpur, District- Saharsa.
3. Satish Kumar Srivastava son of late Paras Prasad Shrivastava, resident of Shanti Bagh Pandey Tola, P.O. Narkatiaganj, Police Station- Shikarpur, District- West Champaran (Bettiah), at present posted and working as Block Education Officer, Chhauradaon, District- East Champaran (Motihari).
4. Binay Shankar Dubey son of late bishwanath Dubey, resident of village Narayanpur P.O. Uchakagaon, Police Station-Kuchaykot, District-Gopalganj, at present posted and working as Block Education Officer, Basantpur, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Tirhut Division at Muzaffarpur.
4. The Regional Deputy Director of Education, Koshi Division, Saharsa.
5. The Regional Deputy Director of Education, Saran Division, Chapra.
6. The District Education Officer, East Champaran at Motihari.
7. The District Education Officer, Vaishali at Hajipur.
8. The District Education Officer, Saharsa.
9. The District Education Officer, Begusarai.
10. The District Education Officer, Kaimur.
11. The District Education Officer, Siwan.
12. The District Education Officer, Gopalganj.
13. The District Programme Officer (Establishment), East Champaran at Motihari.
14. The District Programme Officer (Establishment), Saharsa.

15. The District Programme Officer (Establishment), Siwan.
16. Shrikant Prasad Singh, the Headmaster, Govt. Basic School Usafo, District- Patna
17. Shri Chandra Kishore Singh, Headmaster, Govt. Basic School Sobhnathpur, District- Bhagalpur
18. Shri Sushil Kumar, Lecturer, Primary Teacher's Training College, Bihiyan, District- Bhojpur.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11548 of 2016

=====

1. Deep Narayan Ram son of late Ayodhi Ram, resident of village- Tamot Parsa, P.O. Tamot Parsa, Police Station-Murliganj, District-Madhepura, at present posted and working as Block Education Officer, Amdabad, District- Katihar.
2. Shankar Rajak son of late Bawan Rajak, resident of village- Jan Mahmadpur, Police Station- Kahalgaon, District- Bhagalpur, at present posted and working as Block Education Officer, Krityanand Nagar, District- Purnea.
3. Mithileshwar Prasad son of Shri Bhuneshwar Prasad, resident of village- Ganga Pipra, Police Station- Paharpur, District- East Champaran (Motihari), at present posted and working as Block Education Officer, Ekma, District- Saran (Chapra).
4. Ghulam Sarwar son of Tez Mohammad, resident of village- Jagmalwa, P.O. + Police Station- Thawe, District- Gopalganj, at present posted and working as Block Education Officer, Siswan, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Purnea Division, Purnea.
4. The Regional Deputy Director of Education, Saran Division, Chapra.
5. The District Education Officer, Katihar.
6. The District Education Officer, Madhepura.
7. The District Education Officer, Purnea.
8. The District Education Officer, Bhagalpur.
9. The District Education Officer, Saran at Chapra.
10. The District Education Officer, Muzaffarpur.
11. The District Education Officer, Siwan.
12. The District Education Officer, Sheohar.
13. The District Programme Officer (Establishment), Katihar.
14. The District Programme Officer (Establishment), Purnea.
15. The District Programme Officer (Establishment), Saran at Chapra.
16. The District Programme Officer (Establishment), Siwan.
17. Smt. Savita Kumari, the Headmistress, Govt. Basic School Kushaha, District- Banka.
18. Shri Priyavrat Narayan Singh, the headmaster, Govt. Basic School Arai, District Gaya.
19. Smt. Rita Kumari, the Headmistress, Govt. Basic School Chandrahati Kamtaul, District- Muzaffarpur.

20. Shri Arbind Kumar, the Headmaster, Govt. Basic School Visahi, District-Sheohar.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11509 of 2016

=====

1. Md.kamruddin Ansari son of late Md. Sharfuddin Ansari resident of mohalla - Baradari Bhagwan Bazar Chapra, Police Station - Bhagwan Bazar, District - Saran (Chapra), at present posted and working as Block Education Officer, Baniapur - 2, Block - Baniapur, District - Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Saran Division, Chapra.
4. The District Education Officer, Saran at Chapra.
5. The District Programme Officer (Establishment), Saran at Chapra.
6. The District Education Officer, Siwan.
7. The District Programme Officer (Establishment), Siwan.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11605 of 2016

=====

1. Saket Bihari Thakur S/o Late Haridwar Thakur resident of Village - Pachhiyari Tabhka, P.S. - Bibhutipur, District - Samastipur.
2. Chandeshwar Mandal S/o Sri Deep Narayan Mandal resident of Village - Bishnichak Chandpur, P.S. - Phanka, District - Katihar.
3. Vijay Kumar Pandey S/o Late Barister Pandey resident of Village - Banker's Colony, Bettiah, P.S.- Bettiah (M), District - West Champaran (Bettiah).
4. Abdul Hannan Sah S/o Abdul Gani Sah resident of Village - Pakaria, P.S. - Chhaudo Dano, District - East Champaran (Motihari).
5. Deo Shankar Prasad Bachchan S/o Late Bibhuti Bhushan Prasad resident of Village - Chhatnashwar, P.S. - Warisnagar, District - Samastipur.
6. Ram Pukar Mahto S/o Late Tapsi Mahto resident of Village - Ramkrishan Dubiyahi, P.S. - Saraiyan, District - Muzaffarpur.
7. Shiv Shankar Prasad Singh S/o Late Devi Singh resident of Village - Purushottampur, P.S. - Asarganj, District - Munger.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
3. The District Education Officer, Begusarai.

4. The District Education Officer, West Champaran (Bettiah).
5. The District Education Officer, Katihar.
6. The District Education Officer, Bhagalpur.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11652 of 2016

=====

1. Dhiraj Kumar S/o Late Shrikrishna resident of Flat No.-2/145, New Patliputra Colony, P.S.- Patliputra, Town & District- Patna.
2. Indrajeet Rana S/o Late Nalini Kant Rana resident of Village- Manas Muria, P.S.- Barsoli, District- East Singhbhum (Jharkhand)
3. Savita Kumari Laxmi W/o Sri Shiv Mangal Sinha resident of Mohalla- Purnendu Nagar, P.S. Phulwari Sharif, Town & District- Patna
4. Amrendra Kumar S/o Sri Uma Shankar Prasad resident of Flat No.201, Friends Garden Apartment, Rajbanshinagar, P.S.- Shastrinagar, Town & District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
3. The District Education Officer, Patna.
4. The District Education Officer, Nawada.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11847 of 2016

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1. Yadu Nandn Manjhi son of Shri Ram Ratan Manjhi, resident of village- Parshurampur, P.O. Mastichak, Police Station-Dariyapur, District- Saran (Chapra), at present posted and working as Block Education Officer, Balia, Block-Balia, District-Begusarai.
2. Dhananjay Singh son of late Ram Nandan Singh, resident of village-Kutaha, Police Station-Barahiya, District- Lakhisarai, at present posted and working as Block Education Officer, Matihani, Block-Matihani, District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Munger Division, Munger.
4. The District Education Officer, Begusarai.
5. The District Programme Officer (Establishment), Begusarai.
6. The District Education Officer, Saran at Chapra.
7. The District Education Officer, Lakhisarai.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 11181 of 2016

Ajit Kumar

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 12624 of 2016

1. Yogendra Rai Sharma Son of Late Jagarnath Rai Sharma resident of village - Jabdaul, P.O. Ashram Vrindavan, Police Station Chanpatia, District - West Champaran (Bettiah), at Present Posted and Working as Block Education officer, Ghorasahan, District - East Champaran (Motihari)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department, Government of Bihar, Patna
2. The Director, Deputy Director of Education, Tirhut Division at Muzaffarpur
3. The Regional Deputy Director of Education, Tirhut Division at Muzaffarpur
4. The District Education officer, East Champaran at Motihari
5. The District Education officer, Saran at Chapra
6. The District Programme officer (Establishment), East Champaran at Motihari
7. The District Programme officer (Establishment), Saran at Chapra
8. Smt. Tara Kumari, Headmistress, Govt. Basic School, Abheyasashala Bangra, District - Saran at Chapra

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 11071 of 2016

Manju Kumari

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 11980 of 2016

1. Kamaljeet Choudhary, Son of Sri Ram Prasad Choudhary, Resident of Manik Chand Talab, P.O. & P.S. Anisabad, District- Patna.

2. Rajesh Kumar Mishra, son of Shri Jeev Nayrain Mishra, Resident of Village-
Manjualia, P.S- Lahariasarai, Darbhanga, District- Darbhanga.
3. Geeta Kumari, D/o Late Bhagwan Das, Resident of Mohalla Chand Chaura,
Purani Dakh Khana Gali, P.S - Civil Line Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director Primary Education, Education Department, Government of Bihar,
Patna.
3. The District Education Officer, Gaya.
4. The District Education Officer, Purnea.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 12083 of 2016

Rekha Sharma & Ors

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 12173 of 2016

Dinesh Kumar Mahto & Anr

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 12399 of 2016

1. Sarvesh Dutt Mishra Son of Sri Tribhuvan Dutt Mishra Resident of Mokhtar
Toli, Nala Road, P.S- Kadamkuan, District Patna (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar,
Patna.
4. The District Education Officer, West Champaran at Bettiah.
5. The District Education Officer, Saran at Chhapra.

.... Respondent/s

Appearance :

(In CWJC No.11011 of 2016)

For the Petitioner/s : Mr P.K.Shahi, Sr. Advocate
Mr. Rajeev Lochan

For the Respondent/s : Mr. P.N.Shahi, AAG 6
Mr P.N.Sharma, AC to AG

For the Interveners : Mr Abhinav Shrivastava
(In CWJC No.11160 of 2016)

For the Petitioner/s : Mr. Ram Kishore Singh

For the Respondent/s : Mr. Vikas Kumar, AC to AG

For the Interveners : Mr Y.V.Giri, Sr. Advocate
Mr Pratap Sharma

(In CWJC No.11896 of 2016)

For the Petitioner/s : Mr. Arun Kumar

For the Respondent/s : Mr. Vikas Kumar, AC to AG

(In CWJC No.11979 of 2016)

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Respondent/s : Mr. AAG- Pushkar Narian Shahi

(In CWJC No.12295 of 2016)

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Respondent/s : Mr. AC to AG

(In CWJC No.12327 of 2016)

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Respondent/s : Mr. Indradeo Prasad, SC 27

(In CWJC No.11208 of 2016)

For the Petitioner/s : Mr. Girijanand Prasad

For the Respondent/s : Mr. Anuj Kumar, AC to SC 12

(In CWJC No.12666 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5

For the Respondent/s : Mr. AC to AG

(In CWJC No.11555 of 2016)

For the Petitioner/s : Mr. Lalan Kumar

For the Respondent/s : Mr. SC- Kinkar Kumar

(In CWJC No.12477 of 2016)

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Respondent/s : Mr. AC to AG

(In CWJC No.12470 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar Tiwari

For the Respondent/s : Mr. AC to AG

(In CWJC No.11545 of 2016)

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Respondent/s : Mr. AAG 8, K.K.Jha

(In CWJC No.11548 of 2016)

For the Petitioner/s : Mr. Umesh Kumar Mishra

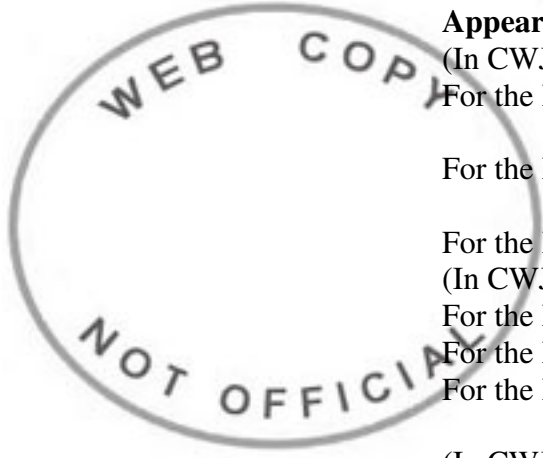
For the Respondent/s : Mr. AC to AG

(In CWJC No.11509 of 2016)

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Respondent/s : Mr. AC to AG

(In CWJC No.11605 of 2016)



For the Petitioner/s : Mr. Rajeev Lochan
For the Respondent/s : Mr. AAG 6- Pushkar Narain Shahi
(In CWJC No.11652 of 2016)
For the Petitioner/s : Mr. Rajeev Lochan
For the Respondent/s : Mr. S.Raza Ahmad- AAG 5
(In CWJC No.11847 of 2016)
For the Petitioner/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Mr. AC to AAG
(In CWJC No.11181 of 2016)
For the Petitioner/s : Mr. Lalan Kumar
For the Respondent/s : Mr. AC to AG
(In CWJC No.12624 of 2016)
For the Petitioner/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Mr. Prabhakar Jha, GP 27
(In CWJC No.11071 of 2016)
For the Petitioner/s : Mr. Ajoy Kumar Chakraborty
For the Respondent/s : Mr. AC to AG
(In CWJC No.11980 of 2016)
For the Petitioner/s : Mr. Md. Javed Jafar Khan
For the Respondent/s : Mr. AC to AG
(In CWJC No.12083 of 2016)
For the Petitioner/s : Mr. Rajnish Kumar Choubey
For the Respondent/s : Mr. AC to AG
(In CWJC No.12173 of 2016)
For the Petitioner/s : Mr. Ajay Kumar Jha
For the Respondent/s : Mr. Kameshwar Kumar,
(In CWJC No.12399 of 2016)
For the Petitioner/s : Mr. Kumar Kaushik
For the Respondent/s : Mr. AC to AG

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 18-08-2016

All these bunch of writ applications were clubbed together because a common Notification No.646, dated 30th of June, 2016 transferring 461 persons came to be challenged on one ground or the other.

All these petitioners, therefore, want quashing of the notification in relation to their transfer on the ground that the order of transfer has been effected without any application of mind or



yardstick. A reading of the list itself will indicate that position because there are dead people, who have been transferred, there are people, who are going to superannuate in couple of months, who have been transferred, there are persons, who have been in their post and position for less than a year, who have been transferred and many other instances of such glaring kind have been indicated in the pleadings and averments, specially made in CWJC No.11160 of 2016.

Looking at the bundle of facts and the submissions, the State was directed to file a counter affidavit and explain the rational behind such en masse transfer to which they take a stand that because of the World Bank funding and the obligation created therein most of the training centers are required to be manned by the people, who have been transferred as their skill and experience is required to be utilized in those institutions. That seems to be the primary reason or basis on which such transfers have been effected by way of justification.

During the course of argument learned senior counsel representing the batch of advocates on behalf of the petitioners also made a submission that the stand taken with regard to the plea of World Bank is not available in the official record or decision making process. If the original file is looked into, this position will be established.

To test the bona fide of the submission as well as the conduct of the respondents, the Court asked for production of the original file wherein the decision to effect transfer of these petitioners along with large number of other employees was taken.

To be fair to the State authorities, they did produce the original file within matter of hours. The file was gone through by the Court and also shared with the counsels. The stand of the petitioners was borne out that the decision with regard to the transfer of these petitioners was taken without any kind of application of mind and was a rushed job within two days of initiation of proposal for such transfer. The noting in the file do not indicate the basis or the parameters which was required to be used in effecting and notifying the transfer. It is unfortunate that such decisions are taken at the level of the State in such a cursory and casual manner. The Court is not willing to restrict or restrain the State authorities from exercising its powers especially in matters of transfer and that too in the season when the annual chain transfers are required to be made. But in a democratic set up, which is governed by a rule of law, at least the decision making and decision making process must reflect a process by which a decision is arrived at. Since the original file did not reflect any of such elements, therefore, the Court comes to a considered opinion that the reason for all kinds of aberrations, which have been

talked about and pointed out by the petitioners in the writ applications, specially in the case of Lalan Mahto and others, is a mindless act of rushing through a list of transfer without verifying status of such persons, who were going to be affected by the order of transfer.

There are interveners. They are the people, who have been transferred in place of the petitioners and they are more willing to abide by the order of transfer because they seem to be the beneficiary of decision of such transfer. Learned Senior counsel representing some of the interveners tries to prevail upon the Court by making an assertion that the decision taken by the State is in fact in furtherance of a set of rules, which are reflected in the Bihar Education Code. Special emphasis has been placed on Rule 153. His further submission is that by quashing the order of transfer the same will have the effect of violating Rule 153 and the yardstick laid therein.

It seems that the interveners know more law, rule and governance than the State authorities do because what is being pointed out by the counsel for the interveners is not even discussed or talked about either in the original file and the noting or in the counter affidavit, which was filed on behalf of the State. If this be so, the wisdom of the interveners cannot be used as a yardstick for deciding

correctness or otherwise of the decision taken by the State authorities as a part of their right to take such decision even if it be a case of transfer.

The Court, therefore, will not entertain the submission on behalf of the interveners as the reason for order of transfer, which is a subject matter of challenge in the present writ applications.

After all these deliberations and in view of what the Court had to observe in its order dated 5.8.2016, an Interlocutory Application has now been filed on behalf of the State, which is I.A. No.6591 of 2016. The State through this I.A. has prayed for return of the original file to have a re-look into the matter afresh.

In view of totality of the bundle of facts and the law, the Court is left with no option but to quash the Notification No.646, dated 30th of June, 2016, at least in relation to these petitioners and allow the writ applications.

But since there are large number of petitioners before this Court, the original notification may not remain intact as well as coherent, therefore, it will be in the interest of administration that a fresh decision is taken in entirety by following norms and standards after due verification of the service history of the posting of the persons, who are going to be transferred or are required to be transferred, may be keeping in mind Rule 153 of the Bihar Education

Code, which has been brought to the attention of this Court by the interveners.

The Court allows the authorities to take a fresh decision even though 30th June in terms of the circular of the State Government is well past.

A decision if required to be taken should be taken within a reasonable time frame preferably within a period of six weeks from today since the order has been passed in presence of learned Additional Advocate General No.6 representing the State.

All the writ applications are allowed in terms of the above.

The original file is returned to the State counsel for their use.

(Ajay Kumar Tripathi, J)

sk

AFR/NAFR	AFR
CAV DATE	
Uploading Date	18.8.2016
Transmission Date	