

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2850 of 2017

- =====
1. Armanullah, son of Late Mohammad Harun Rashid, resident of Village- Mohalla- Chwani Bettiah, P.S.- Manupul, District- West Champaran.
 2. Krishnanandan Singh son of Sri Ram Ekbal Singh, resident of Village- Vherihari, P.S.- Sirisiyakhurd, P.S.- Adapur, District- East Champaran.
 3. Madhu Kumari, wife of Sri Umeshwar Prasad Singh, resident of Mohalla- Mahmaddpur Balmi, P.S.- Motipur, District- Muzaffarpur.
 4. Amarendra Kumar, son of Late Ramesh Prasad Singh Chauhan, resident of Mohalla- Veer Kuwar Singh Colony, Dapipur Road, N.H.77, Bhikhanpura, P.S.- Muzaffarpur Sadar, District- Muzaffarpur.
 5. Indu Kumari, wife of Sri Shiv Narayan Prasad, resident of Village- Rautinia, P.S.- Phulparas, District- Madhubani.
 6. Bindeshwar Yadav, son of Late Ayodhi Yadav, resident of Village- Kisanpatti, P.S.- Phulparas, District- Madhubani.
 7. Gauri Shankar Singh, son of Late Murli Manohar Singh, resident of Village- Santha, P.S.- Bhagawanpur, District- Vaishali.
 8. Naresh Kumar, son of Late Manoj Prasad, resident of Village- Bannkat, P.S.- Kesaria, District- East Champaran.
 9. Ram Janam Singh, son of Sri Balaram Singh, resident of Village- English Paharpur, P.S.- Paharpur, District- East Champaran.
 10. Ajit Kumar, son of Late Jagadish Narayan Singh, resident of Village- Mahesi, P.S.- Mahesi, District- East Champaran.
 11. Reeta Kumari, wife of Sri Nityanand Thakur, resident of Village- Patsura, P.S.- Piyar, District- Muzaffarpur.
 12. Ram Umed Mishra, son of Late Ram Chandra Mishra, resident of Village- Bahera Zahidpur, P.S.- Nanpur, District- Sitamarhi.
 13. Ramesh Shukla, son of Late Bidya Sukla, resident of Village- Sri Krishnapur, P.S.- Saraiya, District- Muzaffarpur.
 14. Manjula Kumari, wife of Sri Digvijay Narayan Choudhary, resident of Village- Chakmaru, P.S.- Belshar, District- Vaishali.

.... Petitioner/s

Versus

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

.... Respondent/s

=====

Appearance:

For the Petitioner/s	:	Mr. S.B.K. Manglam, Advocate Mr. Pratap Sharma, Advocate
For the Respondent/s	:	Mr. S.C. Mishra, SC-16 Mr. Samir Kumar, AC to SC-16

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 04-09-2017



Heard learned counsel for the parties.

2. The petitioners have moved the Court for the following reliefs:

“That this writ petition is being filed for issuance or appropriate writ/ writs, order/orders, direction/directions for quashing the order dated 28.12.2016 as contained in Memo No. 1161 and 1162 whereby and whereunder by violating the order dated 18.08.2016 and provisions of Article 153 of Bihar Education Code as well as by violating the undertaking given by the respondents before this Hon’ble Court the services of the petitioners have been returned back from inspecting branch to teaching branch and for the other necessary relief/reliefs on the basis of fact and circumstances of the case.”

3. The issue involved is with regard to posting of the petitioners in the Inspecting Branch of the Bihar Subordinate Education Service.

4. Learned counsel for the petitioners submitted that they have the requisite qualification for being shifted to the Inspection Branch which is as per the Bihar Education Code but still persons junior or otherwise ineligible, are being sent to such branch and the petitioners are continuing in the Teaching Branch. It was submitted that besides the petitioners’ fulfilling the criteria for being posted on



the Inspection Branch side, such posts still being vacant and the petitioners not being posted on such, is both arbitrary and *mala fide*. Learned counsel submitted that the State is required to at least consider the case of the petitioners in accordance with the provisions of the Bihar Education Code and if it is found that the petitioners are required to be posted in the Inspection Branch, necessary orders be passed.

5. Learned counsel for the State submitted that the matter is under consideration and if, after verification, it is found that the posts are vacant, on the Inspection Branch, the case of the petitioners shall be considered for such posting.

6. In view thereof, the writ petition stands disposed off with a direction to the respondent no. 3 to consider the case of the petitioners of being posted in the Inspection Branch, in terms of the provisions of the Bihar Education Code, on vacant existing posts being available, in accordance with law, within two months from the date of production of a copy of this order on him.

(Ahsanuddin Amanullah, J)

S.Sb/-

AFR/NAFR	
U	

