# IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Writ Jurisdiction Case No.25362 of 2013**

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1. Nand Kishor Ojha Son Of Kalish Pati Ojha Village - Ojhawalia, P.O. - Bathua Bazar, P.S. - Phulwaria, District - Gopalganj, Bihar
2. Akhileshwar Prasad Son Of Late Suresh Prasad Resident Of Village - Bhusaula Danapur, P.O. - Mubarakpur, P.S. - Phulwarisharif, District - Patna
3. Ravindra Nath Mishra Son Of Raghunath Mishra Resident Of Village - Birsha Bathua, P.S. - Phulwaria, District - Gopalganj
4. Uday Shankar Son Of Sri Ram Kumar Singh Resident Of Village - Prabhat Nagar Purbi Road No. 1 Bhagwanpur, P.S. - Sadar, District - Muzaffarpur
5. Binod Kumar Singh Son Of Ram Ekbal Singh Resident Of Mohalla - Ganga Bihr Colony, Beur, P.S. - Beur, District - Patna
6. Arjun Prasad Son Of Late Darshan Das Resident Of Village + P.O. - Dumrawan, P.S. - Deep Nagar, District - Nalanda
7. Md. Jahangir Son Of Md. Yakub Village + P.O. - Garahani, P.S. - Garahani, District - Bhojpur
8. Kamlesh Kumar Singh Son Of Late Baldeo Singh Resident Of Village + P.O. - Chintamanpur, P.S. - Pipra, District - West Champaran
9. Birendra Prasad Son Of Late Kanhaiya Lal Prasad Resident Of Village - Juaphar, P.O. - Chakiya, P.S. - Bhagwanpur Hat, District - Siwan
10. Kumari Kiran Patel Wife Of Shailendra Kumar Singh Resident Of Mohalla - Professor Colony Pani Tanki, Takiya Par, P.O. - Digha, P.S. - Danapur, District - Patna
11. Awadhesh Kumar Son Of Late Parashu Ram Singh Resident Of Village + P.O. - Madhopur Chhata, P.S. - Tariyani, District - Sheohar
12. Rameshwar Pandey Son Of Late Ramayan Pandey Resident Of Village - Ori, P.O. - Mahdah, P.S. - Etarhi, District - Buxar
13. Shamsuddin Ahmad Son Of Late Sahabul Miyan Resident At - Mohan Bazar, P.O. + P.S. - Maharajganj, District - Siwan
14. Sri Ram Ray Son Of Sri Ram Ashish Ray Resident Of Village - Lehra, P.O. Torni Lehra, P.S. - Kargahar, District - Rohtas
15. Bhola Yadav Son Of Late Bhattu Yadav Resident Of Badebigha, P.O. - Jiyan Bigha, P.S. - Shekhupur Sarai, District - Sheikhpura
16. Jay Prakash Narayan Singh Son Of Rajaram Singh Resident Of Village - Gaura, P.O. + P.S - Rampur Chauram, District - Arwal
17. Anil Kumar Thakur Son Of Late Raj Mangal Thakur Resident Of Village + P.O. - Sutihara, P.S. - Parihar, District - Sitamarhi
18. Baleshwar Singh Son Of Ramchandra Singh Resident Of Village - Dangara Aahar, P.O. - Arwal, P.S. - Arwal, District - Arwal
19. Chandrika Chaudhary Son Of Late Ram Ratan Chaudhary Resident Of Village - Dharhara, P.O. - Kevra, P.S. - Punpun, District - Patna
20. Shatrudhan Rai Son Of Saryug Rai Resident Of Village + P.O. - Raja Pakar, P.S. - Raja Pakar, District - Vaishali

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21. Mukesh Son Of Sri Hari Narayan Sharma Resident Of Village - Balhan, P.S. - Kauti, District – Muzaffarpur ... ... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Government Of Bihar, New Secretariat, Patna
3. The Director, Primary Education, Government Of Bihar, New Secretariat, Patna

... ... Respondent/s

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with

**Civil Writ Jurisdiction Case No. 7824 of 2016**

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1. Harendra Pandey Son of Late Satya Narayan Pandey Resident of village Banka Post office Dhebwa Police Station Gopalpur, District Gopalganj At Present Headmaster in Charge in Utkramit Middle School Pasarma Post Office Pasarma Police Station Gopalganj, District Gopalganj
2. Rakesh Kumar Tiwari Son of Swami Nath Tiwari Resident of village - Tiwari Matihaniya Post office Sipaya Police Station Bishambharpur, District Gopalganj At Present Assistant Teacher in Utkramit Middle School Konhwa Police Station Gopalganj, District - Gopalganj
3. Shambhu Nath Singh Son of Late Kashi Nath Singh Resident of village - Ramchandrapur, Post office - Ramchandrapur, Police Station Thawe, District Gopalganj At Present Assistant Teacher in Utkramit Middle School, Ekderwa Post Office Ramchandrapur Police Station Thawe District Gopalganj
4. Omprakash Gupta Son of Late Dinanath Gupta Resident of Mohalla - Sareya, Wards No. 4 Post office Gopalganj, Police Station Gopalganj, District - Gopalganj At Present Assistant Teacher in Utkramit Middle School, Pasarma Post office - Pasarma, Police Station Gopalganj, District - Gopalganj
5. Pramila Kumari Wife of Surendra Baitha Resident of village - Ekderwa Post Office Thawe, District Thawe, District Gopalganj At Present Assistant Teacher in Utkramit Middle School, Ekderwa Post Office Thawe, Police Station Thawe, District - Gopalganj
6. Ainul Haque Son of Abdul Ajij Resident of village - Kamanpura, Post office Dharamparsa, Police Station Barauli, District Gopalganj At Present Assistant Teacher in Middle School, Basdila Post office Gopalganj, Police Station Gopalganj
7. Md. Parvez Alam Son of Md. Anish Resident of village - Bhedihari, Post office Sirisiya Khurd Via Adapur, P.S. Adapur, District - East Champaran At Present Assistant Teacher in Utkarmit Middle School, Bauia, Police Station Raxaul, District East Champaran
8. Upendra Manjhi Son of Shivpujan Manjhi Resident of village - Ramchandrapur, Post office - Ramchandrapur, Police Station Thawe, District - Gopalganj At Present Assistant Teacher in

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Utkarmit Middle School, Umar Mathiya, Police Station Manjhagarh, District Gopalganj

9. Maimuna Khatoon Daughter of Julfikar Haider Resident of village - Jagmalwa, Post office - Thawe, Police Station Thawe, District - Gopalganj At Present Assistant Teacher in Utkarmit Middle School, Bhatpoyiya, Post Office Panchdewari, Police Station Panchdewari, District - Gopalganj
10. Shyamdeo Manjhi Son of Gena Manjhi Resident of village - Bhitbherwa, Post office Bhitbherwa, Police Station Bhitbherwa, Police Station Gopalganj, District - Gopalganj, At Present Assistant Teacher in Middle School, Basdila Police Station Gopalganj, District - Gopalganj
11. Ajadi Kumari Daughter of Shivdeo Manjhi Resident of village - Bideshi Tola, Post Office Thawe, Police Station Thawe, District - Gopalganj At Present Assistant Teacher in Primary School, Barnaiya Bisa, Post office Belthari, Police Station Kuchaikote, District - Gopalganj
12. Dayasagar Prasad Son of Shukhdeo Prasad Resident of village - Jadopur, Post office - Jadopur, Police Station Jadopur, District - Gopalganj, At Present Assistant Teacher in Middle School, Ekderwa, Police Station Gopalganj, District - Gopalganj
13. Hiralal Sah Son of Banwari Sah Resident of village - Ramchandrapur, Post office - Ramchandrapur, Police Station Thawe, District - Gopalganj At Present Assistant Teacher in Utkarmit Middle School, Nawalpur, Police Station Kateya, District - Gopalganj
14. Smt. Lilawati Kumari Wife of Sheshnath Prasad Resident of village - Konhwa, Post Office Pasarma, Police Station Gopalganj, District Gopalganj At Present Assistant Teacher in Utkarmit Middle School, Pasarma, Post office - Pasarma, Police Station Gopalganj, District - Gopalganj
15. Azeez Akhtar Son of Paigambar Hussain Resident of village - Sikami Post Office Manjhagarh, Police Station Manjhgarh, District - Gopalganj, At Present Teacher in Middle School Bhishmapur, Post office Barauli, District - Gopalganj
16. Noor Alam Son of Hafeez Saifula Resident of village - Pakahi, Post office Andhra, Police Station Adapur, District - East Champaran, At Present Assistant Teacher in Utkramit Middle School, Mainpur ( Kanya ), Police Station Gopalganj District - Gopalganj
17. Uday Prakash Pandey Son of Late Harishankar Pandey Resident of village - Baswariya, Post office Lauriya, Police Station Lauriya, District - West Champaran At present Assistant Teacher in Middle School, Sirisiya Post Office Siriya, Police Station Kuchaikote, District - Gopalganj
18. Omprakash Pandey Son of Late Harihar Pandey Resident of village - Baswariya, Post office Lauriya, Police Station Lauriya, District - West Champaran At Present Assistant Teacher in Government Middle School, Kharharwa Police Station Uchkagaon, District - Gopalganj
19. Narendra Kumar Singh Son of Gambhira Singh Resident of village - Paharichak, Post office Sonepur, Police Station

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Sonepur, District - Saran ( Chapra ) At Present Assistant Teacher in Utkarmit Middle School, Barari, Jagdish Police Station Thawe, District - Gopalganj

20. Satendra Prasad Singh Son of Gambhira Singh Resident of village - Paharichak, Post office Sonepur, Police Station Sonepur, District - Saran ( Chapra )At Present Assistant Teacher in Middle School, Rajwahi, Police Station Jadopur, District - Gopalganj
21. Sultan Ahmad Son of Late Abdul Ahmad Resident of village - Chaurav Post office Thawe, Police Station Thawe, District - Gopalganj At Present Assistant Teacher in Utkarmit Middle School, Panchdewari, Police Station Panchdewari, District - Gopalganj
22. Md. Naseem Ansari Son of Late Abdul Samad Resident of village - Fatha, Post office Gopalganj, Police Station Gopalganj, District Gopalganj At Present Assistant Teacher in Primary School, Indira Aawas Basdila Post office Gopalganj Police Station Gopalganj, District - Gopalganj
23. Md. Sah Alam Son of Md. Basruddin Resident of village - Sathhari, Post office Prahaladpur, Police Station Muzaffarpur, District - Muzaffarpur At Present Assistant Teacher in Utkarmit Middle School, Sihorwa, Police Station Gopalganj, District - Gopalganj
24. Sanjeeda Khatoon Wife of Nesar Ahmad Resident of village Marwari Mohalla Ward No. 16 Post office Gopalganj, Police Station Gopalganj, District - Gopalganj At Present Assistant Teacher in Primary School ( Urdu ) Gopalganj Police Station Gopalganj, District - Gopalganj
25. Sushil Wife of Dhrup Singh Resident of village Gopalganj near Dr. Ramekbal Post office Gopalganj, Police Station Gopalganj, District - Gopalganj At Present Assistant Teacher in Primary School Sareya, Near Kailash Hotel Post office Gopalganj, Police Station Gopalganj, District - Gopalganj
26. Nilu Kumari Singh daughter of Late Ramraj Singh Resident of village Ramchandrapur, Post office Ramchandrapur, Police Station Thawe, District - Gopalganj At Present Teacher in Utkarmit Middle School, Panduhi Maharani post office Maharani, Police Station Mahammadpur, District - Gopalganj
27. Dinesh Prasad Verma Son of Ramakant Verma Resident of village - Mukundiya, Post office Bashdila Bazar, Police Station Gopalganj, District - Gopalganj, At Present Assistant Teacher in Utkramit Middle School, Bistoll, Baikunthpur, Police Station Mahammadpurm District - Gopalganj
28. Subhash Lal Srivastava Son of Rajendra Lal Srivastava Resident of village - Rampur Khareya Post office Karwatahi Bazar, Police Station Gopalganj, District - Gopalganj At Present Assistant Teacher Primary School, Nautan Haraiya Post Office Uchkagaon, Police Station Uchkagaon, District - Gopalganj
29. Manoj Kumar Pandey Son of Bhiki Pandey Resident of village - Baswariya Post office Lauriya, Police Station Lauriya, District - West Champaran At Present Assistant Teacher Utkramit Middle

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School, Panchdewari, Post office Panchdewari, Police Station Panchdewari, District - Gopalganj

30. Md. Yashin Son of Mahboob Hussain Resident of village - Paithan Mill Police Station Vishu Sugar Mill, Police Station Gopalganj, District Gopalganj, At Present Assistant Teacher Utkarmit Middle School, Gopala Math Post office Thawe, Police Station Gopalganj, District - Gopalganj
31. Lalan Rai Son of Late Babunand Rai Resident of village - Rampur Tegrahi, Post office Rampur Tegrahi Police Station Gopalganj, District - Gopalganj, At Present Assistant Teacher in Primary School, Rajwahi, Post Office Jadopur, District - Gopalganj
32. Suresh Prasad Son of Shyamdeo Prasad Resident of village - Jalpurwa, Post office - Mugal Biraicha Police Station Barauli, District - Gopalganj At Present Assistant Teacher in Utkarmit Middle School, Samail, Police Station Hathua, District - Gopalganj
33. Vimal Prasad Son of Late Awadh Bihari Prasad Resident of village - Ramchandrapur, Post office Ramchandrapur, Police Station Thawe, District - Gopalganj At Present Assistant Teacher in Middle School, Bhediya, Post Office Bhediya, Police Station Mohammadpur, District - Gopalganj
34. Dinesh Kumar Sharma Son of Thakur Prasad Resident of village - Bhitbherwa, Post Office Bhitbherwa, Post Office - Bhitbherwa, Police Station Gopalganj, District - Gopalganj, At Present Assistant Teacher in Primary School, Bishunpura ( Ahirtoli ) Post office Bishunpura, Police Station Barauli, District - Gopalganj
35. Rafi Ahmad Son of Md. Kashim Resident of village - Chhawahi Takki Post office Chhawahi, Police Station Manjhagarh, District - Gopalganj, At Present Assistant Teacher in Utkarmit Middle School, Sawreji Post office Sawreji Police Station Hathua, District - Gopalganj
36. Rajeshwar Mishra Son of Ramnagina Resident of village - Baidwali, Post office Amwa Nakchhed Police Station Gopalganj, District - Gopalganj At Present Assistant Teacher in Utkarmit Middle School, Kaithwaliya, Post office Sasamusa, Police Station Kuchaikote, District - Gopalganj
37. Manoj Kumar Singh Son of Late Shivpujan Singh Resident of village - Chainchaura, Post office Chainchaura, Police Station Muffasil Saran ( Chapra ), District - Saran ( Chapra ) At Present Assistant Teacher in Middle School, Dahibhatta Post office Dahibhatta, Police Station Uchkagaon, District - Gopalganj
38. Rajnarayan Prasad Yadav Son of Late Jokhan Prasad Yadav Resident of village - Tirbirwa, Post Office Bhitbherwa, Police Station Gopalganj, District - Gopalganj At Present Assistant Teacher in Middle School, Hakam Post office Dighwa Dubauli, Police Station Dighwa Dubauli, District Gopalganj
39. Hushna Aara Pravin Wife of Ashfaque Resident of village - Dhamapakar, Post office Barauli, District Gopalganj At Present Teacher in Utkarmit Middle School, Milki Biraicha Post office Biraicha, Police Station Barauli, District - Gopalganj

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40. Sanaul Haque Son of Late Sheikh Ammiruddin Ahmad Resident of village - Fatha Post office Gopalganj, Police Station Gopalganj, District Gopalganj At Present Assistant Teacher in Middle School, Fakalpura, Post office Dighwa Dubauli, Police Station Dighwa Dubauli, District - Gopalganj
41. Shamshad Ahmad Ansari Son of Md. Kudus Ansari Resident of village - Dhamapakar, Post office Dhumariya, Police Station Dhumariya, Police Station Manjhagarh, District - Gopalganj At Present Assistant Teacher in Utkarmit Middle School, Magha, Post Office Bathua Bazar, Police Station Phulwariya, District - Gopalganj
42. Lokesh Kumar Son of Kapildeo Sharma Resident of village - Dut Mai Post Office Netaul Police Station Patna, District Patna, At Present Assistant Teacher in Utkarmit Middle School, Fakalpura, Police Station Dighwa Dubauli, District - Gopalganj
43. Ramlakhan Singh Son of Late Kamaldeo Singh Resident of village - Khajuhati, Post office Khajuhai, Police Station Baikunthpur, District - Gopalganj At Present Assistant Teacher in Utkarmit Middle School ( Kanya ) Dighwa Dubauli, Police Station Baikunthpur, District - Gopalganj
44. Rampavitra Singh Son of Late Ramshraya Singh Resident of village - Pokharwa Kajra Post office Pokharwa Kajra, Police Station Lakhisarai, District - Lakhisarai, At Present Assistant Teacher in Middle School, Ganddhua, Post office Baikunthpur, Police Station Baikunthpur, District - Gopalganj
45. Hiralal Prasad Singh Son of Narayan Singh Resident of village - Mahadichak, Post office Ghoshi, Police Station Kako, District - Jehanabad At Present Assistant Teacher in Utkarmit Middle School, Pakaha, Police Station Baikunthpur, District - Gopalganj
46. Sarita Kumari Daughter of Kamleshwar Prasad Resident of village - Sasamusa, Post office Sasamusa, Police Station Kuchaikote, District Gopalganj At Present Assistant Teacher in Utkarmit Middle School, Karmaini Mohabat Post office Kuchaikote, Police Station Kuchaikote, District - Gopalganj
47. Nusarat Zaheer Wife of Moin Akhtar Resident of village - Jagmalwa, Post office Thawe, Police Station Thawe, District - Gopalganj, At Present Assistant Teacher in Utkarmit Middle School, Khairatiya, Post office Khairatiya, Police Station Hathua, District - Gopalganj
48. Md. Masook Ahmad Son of Hanif Miya Resident of village - Prabal Bigha, Post office Neuri, Police Station Belaganj, District - Gaya, At Present Assistant Teacher in Middle School, Kotwa, Post office Gopalganj, District - Gopalganj
49. Chandrakala Kumari Wife of Suresh Prasad Singh Resident of village - Maharani Ugrasen Post office Maharani, Police Station Mohammadpur, Disttrict - Gopalganj At Present Assistant Teacher in Middle School, Maharani, Post office Maharani, Police Station Mohammadpur, District - Gopalganj
50. Chandrakant Singh Son of Chandrashekhar Singh Resident of village - Bhusan Sadan Rajendra Bus Stand Post office Gopalganj, Police Station Gopalganj, District - Gopalganj At

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Present Teacher in D.A.V. Primary School, Gopalganj, Post office Gopalganj, Police Station Gopalganj, District - Gopalganj

51. Kumari Savitri Wife of Vinay Kumar Prasad Resident of village - Jait Narahawa, Post office Narahawa Shukla, Police Station Gopalganj, District - Gopalganj At Present Assistant Teacher in Primary School, Beragee Tola Post office Gopalganj, Police Station Gopalganj, District - Gopalganj
52. Dilip Kumar Singh Son of Late Yogendra Narayan Singh Resident of village - Shukhpur, Post office Shukhpur, Police Station Supaul, District - Supaul, At Present Teacher in Utkarmit Middle School, Mashanthana, Post office Jadopur, District - Gopalganj
53. Ashfaque Ahmad Son of Anwarul Haque Resident of village - Dhamapakar, Post office Dumariya, Police Station Manjhagarh, District - Gopalganj At Present Assistant Teacher in Middle School, Jadopur, Dhukhharan, Police Station Jadopur, District - Gopalganj
54. Kumari Sunita Wife of Late Kameshwar Rai Resident of village - Masanthana, Post office Jadopur Dukharan, Police Station Jadopur, District - Gopalganj At Present Assistant Teacher Utkramit Middle School, Olipur, Post office Olipur, Police Station Gopalganj, District - Gopalganj
55. Ajajul Haque Siddique Son of Md. Samsuddin Resident of village - Manjha Bakua Tola, Post office Manjhagarh, Police Station Manjhagarh, District - Gopalganj At Present Assistant Teacher in Utkramit Middle School, Khawajepur ( Kanya ) Post office Khawajepur, Police Station Gopalganj, District - Gopalganj
56. Reeta Kumari @ Rita Kumari Srivastava Wife of Suman Prasad Srivastav Resident of village - Bhagwat Parsa Post office Bhagwat Parsa, Police Station Phulwariya, District - Gopalganj At Present Assistant Teacher in Primary School, Maktab Dhamapakar, Post office Dumariya, Police Station Manjhagarh, District - Gopalganj
57. Md. Shalik Son of Md. Mujibur Rahman Resident of village - Loam Post office Darbhanga, District Darbhanga At Present Assistant Teacher in Utkarmit Middle School, Mashanthana ( Balak ) Police Station Jadopur, District - Gopalganj
58. Anwari Begum Daughter of Late Usmat Miya Resident of village - Sahbajawa, Post office Gopalganj, Police Station Gopalganj, District - Gopalganj, At Present Assistant Teacher in Middle School, Semra, Police Station Thawe, District - Gopalganj
59. Awadhkishore Singh Son of Late Bhirgunath Singh Resident of village - Dumariya, Post Office Dhamapakar, Police Station Manjhagarh, District - Gopalganj At Present Assistant Teacher in Utkarmit Middle School, Gausiya, Post office Manjhagarh, Police Station Manjhagarh, District - Gopalganj
60. Kumari Gayatri Wife of Bipin Kumar Pal Resident of village - Jait Narahawa, post office Narahawa Shukla, Police Station Gopalganj, District - Gopalganj At Present Assistant Teacher in

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Primary School, Bairagee Tola, Police Station Uchkagaon, District - Gopalganj

61. Kumari Geeta Wife of Satyaprakash Prasad Resident of village - Sareya Warsa No. 5, Post office Gopalganj, Police Station Gopalganj, District - Gopalganj At Present Assistant Teacher in Utkarmit Middle School, Bishunpur, Post office Jadopur, Police Station Jadopur, District - Gopalganj
62. Harendra Singh Son of Mahashray Singh Resident of village - Ramchandrapur, Post office Ramchandrapur, Police Station Thawe, District - Gopalganj At Present Assistant Teacher in Utkarmit Middle School, Pandit Ke Harpur, Police Station Thawe, District - Gopalganj
63. Amna Khatoon Son of Md. Assamuddin Resident of village - Murla, Post office Murla, Police Station Ramgarwa, District - East Champaran, At Present Assistant Teacher in Middle School, Patkhawliya, Police Station Motihari Muffasil, District - East Champaran
64. Shamima Khatoon @ Shamima Khatoon Wife of Sahjan Resident of village - Sandali, Post office Barauli, District Gopalganj At Present Assistant Teacher in Primary School, Turkaha, Post Office Gopalganj, Police Station Gopalganj, District - Gopalganj
65. Sabir Ahmad Son of Jaheer Ahmad Resident of village - Rajhata, Post office Bari, Police Station Madhubani, District - Madhubani At Present Assistant Teacher in Middle School, Jadopur, Post office Jadopur, District - Gopalganj
66. Md. Salamuddin Son of Md. Ishhak Resident of village - Madhopur Chhota Post office Ushri Chandpura, Police Station Taraiya, District - Saran ( Chapra ) At Present Assistant Teacher in Utkramit Middle School Rajokhar Police Station Gopalganj, District - Gopalganj
67. Akhtari Khatoon Wife of Mujibur Rahman Resident of village - Paithanpati, Post office Vishnu Sugar Mill, Police Station Gopalganj, District - Gopalganj, At Present Assistant Teacher in Utkarmit Middle School, Paithanpati, Post office Manjhagarh, District - Gopalganj
68. Tilakdhari Prasad Son of Late Ramjeet Prasad Resident of village - Govindpur, Post office Manjhagarh, Police Station Manjhagarh, District - Gopalganj At Present Assistant Teacher in Primary School, Koeni Police Station Manjharh, District - Gopalganj
69. Abdul Kadir Ashrafi Son of Abid Hussain Resident of village - Paithanpati, Post office Vishnu Sugar Mill, Police Station Gopalganj, District - Gopalganj At Present Assistant Teacher in Utkarmit Middle School, Barari Jagdish Police Station Thawe, District - Gopalganj
70. Jafar Alam Sidique Son of Md. Alam Sidique Resident of village - Puroshottampur, Post office Puroshottampur, Police Station Chhadadano, District - East Champaran At Present Assistant Teacher in Utkarmit Middle School, Bangal Khar Post office Sasamusa, Police Station Kuchaikote, District - Gopalganj

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71. Md. Shamim Son of Ishrayal Resident of village - Pipra Post office Manjhagarh, Police Station Manjhagarh, District - Gopalganj, At Present Assistant Teacher in Primary Makhtab, Gaddi Tola Manjhagarh, Police Station Manjhagarh, District - Gopalganj
72. Vinod Kumar Ojha Son of Late Brajbhan Ojha Resident of village - Amwa, Post office Nechua Jalalpur, Police Station Kuchaikote, District - Gopalganj At Present Assistant Teacher ( Retd. ) Was Middle School Basdila Post office Basdila Police Station Gopalganj, District – Gopalganj ... ... Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
3. The Principal Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna
4. The Director, Primary Education, Government of Bihar, New Secretariat, Patna ... ... Respondent/s

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with

**Civil Writ Jurisdiction Case No. 11620 of 2015**

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1. Shobhnath Prasad Yadav son of Sheo Shankar Rai, resident of village- Kamalpur, P.O.- Khanpur, P.S.- Autar Nagar, District- Saran, at Chapra
2. Parmeshwar Pandit, son of Fauzdar Panit, resident of village- Gorhna, P.O.- Sikti, Bhikham, P.S.- Masrakh, District- Saran (Chapra)
3. Kanhaiya Prasad Singh S/o Shre Ram Shakal Singh, resident of village- Madarpur, P.O.- Madarpur, P.S.- Masarak, Dist.- Saran
4. Awdhesh Kumar Mishra S/o Late Ram Pujan Mishra, resident of vill.- Govindpur, P.O. + P.S.- Khaira, Dist.- Saran
5. Krishna Prasad S/o Shree Janak Mahto resident of Mu North Dahiyava Misan Road, Chapra, P.S.- Nagar Chapra, P.o.- Pradhan Dakghar, Dist.- Sharan
6. Virendra Kumar 'Arun' S/o Late Rambali Ram, resident of village- Banbaripur, P.o.- Jaitipur Bhaya Dighuara, Dist.- Saran
7. Radheshyam Singh S/o Shree Ramnath Singh, resident of vill. + P.O.- Mothha, P.S.- Madaura, Dist.- Saran
8. Sunit Kumar Singh, S/o Late Chandreshwar Singh, resident of vill. + P.O.- Kotheya, P.S.- Jalalpur, Dist.- Saran
9. Raj Kumar Chaudhary S/o Late Shiv Prashad Chaudhary resident of Mu North Dahiyava Misan Road, Chapra, P.o.- Pradhan Dakghar, P.S.- Nagar Chapra, Dist.- Saran
10. Md. Shahid Ansari S/o Md. Yahya Anshari, resident of vill.- Jitwarpur, P.o.- Barka Baniya Dariyapur, P.S.- Derni, Dist.- Saran
11. Rakesh Kumar S/o Shree Krishna Shah, resident of vill.- Jagdishpur, P.O.- Dev Bahuara Bhaya- Nagra, P.S.- Madaura, Dist.- Sharan
12. Shivgovind Pandit S/o Late Raghupati Pandit, resident of village- Bajitput, P.O.- Naini, P.S.- Mufshli Chapra, Dist.- Saran

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13. Ram Narayan Singh, S/o Shree Ram Raj Singh, resident of village- Dumri Atha, P.O.- Dumri Atha, P.s.- Doriganj, Dist.- Saran
14. Ramnarayan Thakur S/o Shree Rangila Thakur, resident of village- Chharhara Khurd, P.o.- Chharhara Kala Bhaya Aphar, P.S.- Amnaur, Dist.- Sharan
15. Nirmani Kumar Singh S/o Shree Prem Shankar Singh resident of village + P.O.- Faili, P.S.- Mufshil Chapra, Dist.- Saran
16. Md. Slauddin Ansari S/o Md. Esrael Ansari, resident of village + Post- Kakrhat, P.O.- Derni, Dist.- Saran
17. Ram Pratap Singh S/o Late Govinda Singh, resident of vill.- Shishauni, P.O.- Fursatpur, P.S.- Derni, Dist- Saran
18. Brij Mohan Baitha S/o Tuntun Vaida, resident of village- Kothis, P.O.- Fursatpur, P.S.- Derni, Dist.- Saran
19. Sailendra Kumar Singh S/o Shree Mugal Kishore Singh, resident of village- Shanjha, P.O.- Bashant, P.S.- Derni, Dist.- Saran
20. Pushpa Kumari W/o Shailendra Kumar Singh, resident of village- Shanjha, P.O.- Bashant, P.S.- Derni, Dist.- Saran
21. Baban Singh S/o Late Tarkeshwar Singh, resident of village- Lohra, P.O.- Badlu Tola, P.S.- Mufshil Chapra, Dist.- Saran
22. Jagannath Prasad Yadav s/o Shree Ramshkal Prasad Yadav, resident of village- Gaura, P.O.- Gaura, P.S.- Madaura, Dist.- Saran
23. Madhavi Kumari W/o Shuresh Pandit, resident of village- Manupur Jahagir, P.O.- Mirpur Juara, P.S.- Doriganj, Dist.- Saran
24. Shila Kumari W/o Akhilkesh Kumar resident of village- Kajipur, P.O.- Rashalpura, P.S.- Doriganj, Dist.- Saran
25. Damodar Prasad S/o Shree Patinath Prasad, resident of village- Manupur Manjhan, P.O.- Rashalpura, P.S.-Doriganj, Dist.- Saran
26. Ram Jyoti Prasad S/o Shree Vikrama Prasad, resident of village + P.O.- Madarpur, P.S.- Masraf, Dist.- Sharan
27. Updeo Ram S/o Shree Gopi Chand Ram, resident of village- Chainpur Chamriya, P.O.- Nawada, P.S.- Masraf, Dist.- Saran
28. Bhikhari Dubey, son of Late Chandra Bhushan Dubey, resident of village- Shirsha, Jalalpur, P.O.- Sonauli, P.S.- Mashark, District- Saran
29. Rasid Ansari, son of Rabddin Ansari, resident of village- Sikti, Khanjhan Tole, Pacharukhawan, P.S.- Masark, District- Saran
30. Gyanti Kumari D/o Shri Raghunath Singh, resident of village- Godna, P.O.- Sikti, Bhikham, P.S.- Masark, District- Saran
31. Usha Kumari D/o Shri Sitaram Singh, resident of village- Khairanpur, P.O.- Pakari, P.S.- Marark, District- Saran
32. Manager Pandit, son of Late Bheekhar Pandit, resident of village- Gangauli, P.O.- Masark, P.S.- Masark, Dist.- Saran
33. Bharat Prasad, son of Shri Shivnath Prasad, resident of village- Khabsa, P.O.- Khabsi, P.S.- Baniyapur, Dist.- Saran
34. Nakul Upadhyaya, son of Late Baidyanath Uphadyaya, resident of village- Dhanaw, P.O.- Dhanaw, P.S.- Baniyapur, Dist.- Saran
35. Krishna Nath Ojha, son of Rajvalam Ojha, resident of village- Kanth Chhapra, P.o.- Kamta, P.S.- Baniyapur, Dist.- Saran

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36. Parmanand Kaushik, son of Bhola Mahto, resident of village- Sendukha, PO.- Sadipur Ghat, Bhaya Dalmash Nagar, P.S.- Khanpur, Dist. Samastipur
37. Surendra Rai, son of Shri Gorakh Rai, resident of village- Lohcha, P.O.- Sutihar, P.s.- Derani, District- Saran
38. Sunita Kumari D/o Shri Satya Narayan Prasad, resident of village- Bhagawanpur (Bhibhiganj), Subhash Nagar, Road No. 3, P.O.- Bhagawanpur, P.s.- Bhagawanpur, Dist.- Muzaffarpur
39. Shashi Ranjan, son of Dr. Shivsagar Prasad, 08, Professor Bachelor's Quarter, Saidpur, Rajendra Nagar, Patna- 16
40. Uday Kumar Yadav, Son of Shri Rambahadur Yadav, resident of village- Barahai, P.O.- Baduara, P.S.- Sakatpur, District- Darbhanga
41. Pannalal Rai, son of Late Amir Rai, resident of village & P.O.- Paharpur, P.S.- Jurawanpur, Dist.- Vaishali
42. Ramsagar Mahto, son of Late Bindi Mahto, resident of village & P.O. Erot, Via- Rosara, P.S.- Rosara, Dist. Samastipur
43. Ram Bilash Singh son of Shri Arun Singh, Resident of Village- Akhatwara, Post- Bhatora, P.S.- Hathauri, District- Samastipur
44. Rameshwar Prasad, son of Sri Palat Mahto, resident of village- Manchangwa, P.O.- Gowardhna, P.S.- Gow Dhana, Ramnagar, Dist. West Champaran
45. Chandmuni Kumari D/o Shri Sokhi Ram, resident of village- Mauzampur, P.O.- Narawe, P.S.- Awatar Nagar, Dist.- Saran
46. Rana Pratap Singh, son of Late Gorkh Nath Singh, resident of village & P.O. Dumri Chapiya, P.S.- Taraiya, Dist.- Saran
47. Om Prakash Singh, son of Late Dinanath Singh, resident of village- Naini, P.O.- Naini, Dist.- Saran
48. Bacha Prasad Singh, Son of Shri Raguvir Singh, resident of village & P.O.- Bela, P.S.- Dariyapur, District- Saran
49. Sunil Kumar Singh, son of Shri Sabhapati Singh, resident of village & P.O.- Pachalakh, P.S.- Parsa, District- Saran
50. Kumari Sadhana Singh, Son or Suraj Prasad Singh, resident of village- Gyaspur, P.O.- Rasulpur, Bhaya Mirjapur, P.s.- Amnaur, Dist. Saran
51. Rekha, daughter of Shri Jagdev Rai, Wife of Rajmani Mahto, resident of village & P.O. Chhitrauli, P.S.- Manihari, Dist. Muzaffarpur
52. Vikarma Sharma, Son of Shri Bhajan Thakur, resident of village- Gorani Amnaur, P.O. & P.S.- Amnaur, Dist.- Saran
53. Chandeshwar Ray, son of Vinda Ray, resident of village & P.O.- Narayanpur, P.S.- Tarauya, Dist.- Saran
54. Virendra Tiwary, son of Shri Thakur Tiwary, resident of village- Sonahi, P.O. Bhaya Sonahi, P.S. Bhaldi, Dist. Saran
55. Harivansh Prasad Yadav, son of Shri Ram Vilash Prasad Yadav, resident of village & P.O.- Khalpura Korgawan, P.S.- Bhagwanpur, Dist. Saran
56. Kamla Kumari D/o Nand Kishor Ram, resident of village & P.O.- Kalpura, P.S.- Nagar Chapra, District- Saran
57. Shushila Kumari, D/o Shri Rajendra Ram, resident of village- Motirajpur, P.O.- Dharmabagi, P.S.- Gadakha, District- Saran

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58. Jagalal Prasad Rai, son of Shri Nathu Ray, resident of village- Sisawan, P.O.- Kerwan, P.S. Taraiya, Dist. Saran
59. Udaypati Kumari D/o Kapildeo Prasad Srivastava, & wife of Deepak Kr. Srivastava resident of village & P.O.- Kamala, P.S.- Baniyapur, District- Saran
60. Raj Kumar Singh, son of Late Kapildeo Singh, resident of village- Majalispur, P.O.- Gokhula, P.S.- Vidupur, Dist. Vaishali
61. Suresh Prasad, son of Late Chandradeep Prasad, resident of village- Chaturbhuj Chhapra, P.O. Saraiya, P.S. Bhaya Baniyapur, District Saran
62. Anita Kumari, son of Late Supam Ram & wife of Vijendra Ram, resident of village- Durga Tola, P.O.- Ferusa, P.S. Garkha, Dist. Saran ... ... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Old Secretariat, Patna
2. The Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna
4. The Director, Primary Education, Govt. of Bihar, Patna

... ... Respondent/s

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with

**Civil Writ Jurisdiction Case No. 16559 of 2016**

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1. Arun Kumar Choudhary Son of Sri Yogendra Narayan Choudhary Resident of Village- Sirua, Police Station- Baheri, District- Darbhanga, Residing at Prem Niwas, Mohalla- Shahganj near Railway Gumti, P.O. D.M.C.H., Darbhanga, presently posted as Assistant Teacher M.S. Paharapur, Block Amas, District- Gaya, (App. I.D. 0P201016870).
2. Raj Kishore Jha Son of Late Sobha Shankar Jha Resident of Village- Manpur, Police Station- Benipatti, District- Madhubani, presently posted as Assistant Teacher M.S. Dulhin Mandir, Sherghati, District- Gaya, (App. I.D. 0P201049631).
3. Krishna Lal Mandal Son of Sri Bambholi Mandal Resident of Village+P.O.- Sirkhariya, Via Tulpatganj, Police Station- Jhanjharpur, District- Madhubani (State of Bihar) Pin Code- 847109, presently posted as Assistant Teacher Model Urdu M.S. Sherghati (Sherghati), District- Gaya, (App. I.D. 0P2010115869).
4. Ajit Kumar Mishra Son of Damodar Mishra Resident of S.D.O. Road, Mishra Bhawan, near Animal Hospital, P.O. Hajipur, Police Station- Hajipur, District- Vaishali- 844101 (Bihar), presently posted as Assistant Teacher M.S. Khathwara Gurua, District- Gaya, (App. I.D. 0P201029540).
5. Deonandan Prasad Yadav Son of Bangali Yadav Resident f Village- Parsawan Khurd, Tola- Meguadih, Police Station- Raushanganj, District- Gaya, presently posted as Assistant Teacher, Manorama Kanya M.S. Sherghati, District- Gaya, (App. I.D. 0P2010102935).

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6. Rashida Khatoon Daughter of Late Syed Hussain Resident of Quazi Mohalla, P.O. and P.S. Sherghati, District- Gaya (Bihar), presently posted as Assistant Teacher Urdu M.S. Baida (Akauna Panchayat), Block Amas, District- Gaya, (App. I.D. 0P2010126194).
7. Shekh Sahabuddin Son of Late Shekh Shakruddin Resident of Village- Haripur, P.O.- Jalsima, Via Mangwar, Police Station- Sonwarsa, District- Saharsa, presently posted as Assistant Teacher, Manorama Kanya M.S. Sherghati, District- Gaya, (App. I.D. 0P201011359).
8. Geeta Kumari Daughter of Late Shyam Dutta Singh Resident of Village- Deoriya, P.O.- Bharaundha, Police Station- Gurua, District- Gaya, presently posted as Assistant Teacher, Manorama Kanya M.S. Sherghati, District- Gaya, (App. I.D. 0P201000653).
9. Sushila Sinha (Daughter of Bal Govind Singh) Wife of Ram Charan Prasad Resident of Narayan Colony, Pathak Toli Road, (Sherghati), P.O.- Sherghati, District- Gaya (Bihar), presently posted as Assistant Teacher, Manorama Kanya M.S. Sherghati, District- Gaya, (App. I.D. 0P2010001448).
10. Sunayana Kumari Daughter of Rup Narayan Yadav Resident of Village- Narsingh Bag, P.O.- Sherghati, Police Station- Sherghati, District- Gaya, Pin- 824211, presently posted as Assistant Teacher, Manorama Kanya M.S. Sherghati, District- Gaya, (App. I.D. 0P201014964).
11. Siyaram Prasad Son of Sri Yadunandan Prasad Resident of Village- Raniganj, Police Station- Imamganj, District- Gaya (Bhar), Pin- 824210, presently posted as Assistant Teacher Primary School, Prahalad Kala Sherghati, District- Gaya, (App. I.D. 0P2010078972).
12. Girish Prasad Son of Nand Kishore Mahto Resident of Village- Burma Thaman Bigha, P.O.- Burma Thaman Bigha, Police Station- Sherghati, District- Gaya (Bihar), Pin- 824211, presently posted as Assistant Teacher, R.M.S. Dulhin Mandir, Sherghati, District- Gaya.
13. Ratan Kumar Prasad Son of Late Rajendra Prasad Resident of Village+P.O.- Pali, Via- Ghanshyampur, District- Darbhanga, Pin- 847427, presently posted as Assistant Teacher, M.S. Naknuppa, Sherghati, District- Gaya, (App. I.D. 0P201057269).
14. Manju Sinha Daughter of Ram Balak Prasad Resident of Village- Shaman Bigha, P.O.- Bhaikh, Police Station- Makhdumpur, District- Jehanabad, presently posted as Assistant Teacher, Manorama Kanya M.S. Sherghati, District- Gaya, (App. I.D. 0P201000653).
15. Pratima Kumari Daughter of Shri Sheo Prasad Singh Resident of Village- Khatkachak, Maranpur, P.O.- Chandhaura (Gaya), District- Gaya, presently posted as Assistant Teacher, M.S. Godawari South, Nagar Nigam, District- Gaya, (App. I.D. 0P201011702).
16. Kumari Sunita @ Ku. Sunita Daughter of Late Kedar Nath Singh Residential Address C/o Late Nago Singh, Lattu Bagicha, P.O. Chandchoura, District- Gaya, presently posted as Assistant

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Teacher, Rajendra M.S. Godwari South, Nagar Nigam, District- Gaya, (App. I.D. 0P201000845).

17. Meena Kumari Daughter of Ram Lakhan Prasad Sinha Resident of Village- Dhibra, P.O.+Police Station- Gurua, District- Gaya, presently posted as Assistant Teacher, Manorama Kanya M.S. Sherpur, Gurua, District- Gaya, (App. I.D. 0P201009422).

... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources, Development Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
4. The Finance Commissioner cum Secretary, Department of Finance, Government of Bihar, Patna.
5. The Joint Secretary to the Government, Department of Finance, Government of Bihar, New Secretariat, Patna.

... ... Respondent/s

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with

**Civil Writ Jurisdiction Case No. 18805 of 2016**

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1. Arun Kumar Son of Late Sukhdeo Sharma Resident of Dabourl, P.O. - Kapsiyawan, P.S. - Hilsa, District - Nalanda presently posted as Assistant Teacher at Middle School Kapsiyawan, Hilsa, Nalanda.
2. Ramashray Prasad Son of Late Sadhu Prasad Resident of Rampur (Ajaypur), P.O.- Akair, District - Nalanda presently posted as Assistant Teacher at Middle School Akbarpur, Hilsa, Nalanda.
3. Sundar Yadav Son of Munshi Yadav Resident of Kamdarganj, P.O.- Kamdarganj, District - Nalanda presently posted as Assistant Teacher at Middle School Akbarpur, Hilsa, Nalanda.
4. Dharamveer Kumar Raushan Son of Ram Prasad Singh Resident of Murera, P.O. - Bankipre, District - Patna presently posted as Assistant Teacher at Middle School Akbarpur, Hilsa, Nalanda.
5. Saroj Kumari Daughter of Shyam Nandan Prasad Resident of Ugan Bigha, P.O. - Kawa, District - Nalanda presently posted as Assistant Teacher at Middle School Sipara, Hilsa.
6. Kamala Kumari Daughter of Parmeshwar Prasad Resident of Sikariya, P.O.- Rukhay, District - Nalanda presently posted as Assistant Teacher at Middle School Asata Tharthari, Hilsa, Nalanda.
7. Kiran Kumari Daughter of Ram Khelaman Prasad resident of Prasbanna, P.O. - Rajpur Koyal Bigha, District - Nalanda presently posted as Assistant Teacher at Middle School Astha.
8. Sunayana Kumari Daughter of Bhuvaneshwar Prasad resident of Bari Chariyari, P.O. - Bari Chariyari, District - Nalanda, presently posted as Assistant Teacher at Middle School Lakhachak.
9. Kumari Kiran Prasad Daughter of Virendra Prasad resident of Kundawapar, P.O. - Ekangardih, District - Nalanda presently posted as Assistant Teacher at Middle School Asatha Tharthari.

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10. Mina Kumari Daughter of Sukhlal Prasad resident of Habeepur, P.O. - Habeepur, District - Nalanda presently posted as Assistant Teacher at Middle School Lakhachak.
11. Neelam Kumari Daughter of Kapil Deo Prasad Resident of Asatha, P.O.- Asatha, District - Nalanda presently posted as Assistant Teacher at Middle School Bhathar Tharthari.
12. Radhika Kumari Daughter of Ram Bilas Prasad Resident of Chandout, P.O. - Chamar Bigha, District - Nalanda presently posted as Assistant Teacher at Middle School Ganadati Bigha, Hilsa.
13. Sunil Kumar Singh Daughter of Late Jagu Singh Resident of Mai Kachharitar, P.O. - Mai, District - Nalanda presently posted as Assistant Teacher at Middle School Nehusa, Harnaut.
14. Gayatri Kumari Daughter of Ganauri Prasad Resident of Faizullapur, P.O. - Ranipur, District - Nalanda presently posted as Assistant Teacher at Middle School Soh Salempur, Biharsharif.
15. Amrendra Kumar Son of Late Maheshwar Singh resident of Gosainpur, P.O. - Gogipur, District - Nalanda present posted as Assistant Teacher at Middle School Dewaran Kudra (Kaimur).
16. Kumari Indu Daughter of Late Laldhari Singh resident of Sakari, P.O. - Sakari, District - Kaimur presently posted as Assistant Teacher at Middle School Sakari, Kaimur.
17. Lali Ram Son of Late Gariban Ram Resident of Dhavpokhar, P.O. - Dhavpokhar, District - Kaimur presently poster as Assistant Teacher at Middle School Dawaran.
18. Kumari Geeta Sinha Daughter of Late Soharaya Prasad resident of Ganapati Bigha, P.O. - Hilsa, District - Nalanda presently posted as Assistant Teacher at Middle School Ganpati Bigha.
19. Pushpa Bharati Daughter of Late Brahmdev resident of Mai, P.O. - Mai, District - Nalanda presently posted as Assistant Teacher at Primary School Hilsa.
20. Mithilesh Kumar Son of Late Ragho Prasad Resident of Chaurasi, P.O. - Mahanandpur, District - Nalanda presently posted as Assistant Teacher at Middle School Chiro Sarmera.
21. Mira Kumari Daughter of Late Chandradev Prasad resident of Ganapati Bigha, P.O. - Hilsa, District - Nalanda presently posted as Assistant Teacher at Middle School B.B. Patna G. City.
22. Kaushlendra Kumar Son of Late Chandrashekar Singh Resident of Nishanpura, P.O. - Khushalpur at Station Road, Hilsa, District - Nalanda presently posted as Assistant Teacher at Middle School, Kapsiyawan, Hilsa, Nalanda.

... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
5. The Director, Primary Education, Department of Education, Government of Bihar, Patna.

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... ... Respondent/s

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with

**Civil Writ Jurisdiction Case No. 21399 of 2013**

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1. Kapildeo Prasad Singh Son Of Late Kishun Singh Resident Of Village - Kavla, P.O. - Budhaul, P.S. - Pakribarawa, Dist - Nawada
2. Yugal Kishore Prasad Son Of Late Sukal Dev Prasad Singh Resident Of Village + Post - Babu Amaurna, P.S. - Daudnagar, Dist - Aurangabad
3. Ram Krishna Roy Son Of Late Jhulan Roy Resident Of At + Post - Dhamaun, P.S. - Patori, Dist. - Samastipur
4. Amir Lal Singh Son Of Late Yamuna Singh Resident Of Village - Sultanpur, P.O. - Chaksikandar, P.S. - Vidupur, Dist - Vaishali
5. Md. Hafeezuddin Son Of Late Md. Ishhaq Resident Of Village - Maheshpur, P.O. - Hirambi, P.S. - Dhoraiya, Dist. - Banka
6. Sahdev Prasad Son Of Late Shivnandan Prasad Resident Of Village - Jaswantpur, P.O. - Rukhai, P.S. - Chandi, Dist. - Nalanda
7. Suryadev Roy Son Of Late Hari Roy Resident Of Village + P.O. - Nawanagar, P.S. - Bidupur, Dist. - Vaishali
8. Narayan Chaube Son Of Late Manki Chaubey Resident Of Village + P.O. - Sakla Bazar, P.S. - Karakat, Rohtas
9. Md. Sahud Azam Son Of Md. Aliful Azam Resident Of Village + P.O. - Shitlamni, P.S. - Azamnagar, Katihar

... ... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna
2. The Principal Secretry Department Of Education (Primary Education) Govt. Of Bihar, New Secretariat, Patna
3. The Director, Department Of Education (Primary Education) Govt. Of Bihar, New Secretariat, Patna
4. The Finance Commissioner, Department Of Finance, Govt. Of Bihar, Patna
5. The Joint Secretary To The Govt. Department Of Finance, Govt. Of Bihar, Old Secretariat, Patna

... ... Respondent/s

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with

**Letters Patent Appeal No. 812 of 2015**

**In**

**Civil Writ Jurisdiction Case No.10443 of 2013**

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1. Ashok Kumar Sharma. Son of Late Suryadeo Sharma. Resident of village and P.O.- Dhadhaur, P.S.- Sikandra, District - jamui.
2. Bibha Kumari. Daughter of Ayodhya Singh. Resident of village - Kahua, P.S.- Sangrampur, District - Munger.
3. Anil Kumar. Son of Late Huro Singh. Resident of village - Naudiha, P.O. and P.S.- Khaira, District - Jamui.
4. Poonam Kumari. Daughter of Parmeshwari Prasad Sinha. Resident of Kalyanpur, Braj Panna Kutir Near Kali Mandir, P.O. + P.S. and District - jamui.

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5. Md. Hasan Ansari. Son of Md. Ishak Ansari. Resident of village and P.O.- Dumara, Via Rudpur, District - Madhubani.
6. Krishna Kumar Jha. Son of Lutan Jha. Resident of village - Rahikpur, P.O.- Mishrouliya @ Missawia, Via - Babubarhi, District - Madhubani.
7. Renu Kumari. Daughter of Jagadish Mahara. Resident of village Nav Nagar, P.O.- Nanaur, P.S.- Rudrapur, District - Madhubani.
8. Surya Narain Yadav. Son of Tej Narayan Yadav. Resident of village and P.O.- Bhoj Pandaul, P.S.- Bisfi, District - Madhubani.
9. Dinesh Thakur @ Dinesh Kumar Thakur. Son of Late Ram Gulam Thakur. Resident of village Simari Via Aredahat District - Madhubani.
10. Bhuvneshwar Thakur. Son of Raja Thakur. Resident of village and P.O.- Suday Ratauli, Via Gonghardiha, District - Madhubani.
11. Md. Jamil Akhtar. Son of Abdul Kadir Ansari. Resident of village and P.O.- Dumara Via Rudrapur District - Madhubani.
12. Md. Jahoor. Son of Maulvi Md. Safik. Resident of village - Piprauliaya, P.O.- Arariya, via Tu-lapatganj, District - Madhubani.
13. Dharmashila. Daughter of Kusheshwar Prasad Yadav. Resident of village - Bhagwatipur, P.O. Jalsain, District - Madhubani.
14. Brajendra Mohan Bharati. Son of Late Satish Bharati. Resident of village and P.O.- Gonauli, Via Andhra Thadhi, District – Madhubani. ... ... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Education, Bihar, Patna.
2. The District Education Officer, Jamui, District - Jamui.
3. The District Education Officer, Munger, District - Munger.
4. The District Education Officer, Madhubani, District - Madhubani.
5. The District Education Officer, Darbhanga, District - Darbhanga.

... ... Respondent/s

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**Appearance :**
(In Civil Writ Jurisdiction Case No. 25362 of 2013)

| | | |
|---|---|---|
| For the Petitioner/s | : | Mr. J.S.Attri, Sr. Advocate<br>Mr. Rakesh Uttam Chandra Upadhyay, Advocate<br>Mr. Pankaj Kumar Singh, Advocate<br>Mr. Md. Shakir Ahmad, Advocate<br>Mr. Gajendra Kumar Singh, Advocate |
| For the Intervener | : | Mr. Umesh Kumar Mishra |
| For the State | : | Mr. Anjani Kumar, AAG-6<br>Mr. Amit Bhushan, AC to GA-7 |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**
**and**
**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**
**CAV JUDGMENT**
**(Per: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY)**

**Date : 05-04-2018**

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All the writ applications involve similar question of facts and law and as such they were heard together on different dates and finally on 14.3.2018 judgment was reserved.

2. Initially Mr. J.S. Attri, senior Advocate argued the case on behalf of the petitioners assisted by Mr. Rakesh Uttam Chandra Upadhyay, but later on Mr. Upadhyay advanced argument on behalf of petitioners on different dates. Other counsels representing the petitioners have adopted their arguments.

3. All the petitioners of this batch of writ applications were appointed against the 34,540 posts advertised vide advertisement No. 210 of 2010 in terms of Bihar Special Elementary Teacher Recruitment Rules, 2010 in the year 2012. Appointment/selection process of the petitioners was undertaken by the respondent-State in terms of the direction of the Apex Court in MJC No. 297/2007.

4. Foundational fact for issuance of for direction of the Apex Court for appointment against 34540 posts of Assistant Teacher in Elementary School in Contempt Petition No. 297 of 2007 are set out hereinafter;

(i) In 1991 recruitment rules for recruitment of assistant teachers in elementary/primary schools in the State of Bihar has undergone

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a change. The Bihar Public Service Commission was authorised to conduct selection process and recommend for appointment of Assistant Teacher. In the amended Recruitment Rules trained and untrained persons were eligible for appointment following the selection process by the Bihar Public Service Commission.

(ii) On 8th of October 1991 the BPSC advertised 25,000 posts and thereafter conducted preliminary test as well as the final test.

(iii) On the basis of the recommendation of the Bihar Public Service Commission 19,272 candidates were selected and recommended for appointment as Assistant Teachers. Out of 19272 selected candidates 17281 were untrained.

(iv) A writ petition was filed in the Patna High Court by the candidate having trained qualification that the action of the respondents making appointment of untrained ignoring the available trained candidates is illegal and arbitrary.

(v) The aforesaid issue was finally taken to the Apex Court in the case of Ram Vijay Kumar and others versus State of Bihar and others: in SLP(C) No. 23187 of 1996 reported in (1998) 9 SCC 227 The Apex Court vide order dated 5th September 1997 decided the special leave petition. Para 3 and 4 of annexure-1 (judgment in Ram Vijay Kumar's case) are worth quoting.

> 3. It appears that selection was made for nearly 25,000 posts. According to the figures given by the

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State of Bihar in the affidavit dated 14-8-1997 filed by Shri Deepak Kumar, Deputy Superintendent of Education, Government of Bihar, total number of 19,700 candidates were selected and recommended for appointment by the Commission and out of these 19,272 persons have been appointed as Assistant Teachers in various schools. The number of trained teachers in the cadre of Assistant Teachers thus appointed is 1991, while the number of untrained teachers is 17,281. It would thus appear that out of the 25,000 posts for which selection was made about 6000 posts remain to be filled. Some of these posts will have to be set apart for candidates belonging to reserved categories.

4. Keeping in view the facts and circumstances of the case, we are not inclined to interfere with the impugned judgment of the High Court but having regard to the fact that the High Court has found merit in the grievance of the petitioners we consider it appropriate in the interests of justice to give the following directions regarding appointment on the posts of Assistant Teachers which have not been filled on the basis of this selection made on the basis of the advertisement dated 8-10-1991 and which fall in the general category:

(a) The Commission shall conduct a special selection for the purpose of appointment on these unfilled posts from amongst applicants who had submitted their applications.

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(b) The selection shall be confined to applicants possessing teachers' training qualifications obtained from Government/Private Teachers' Training Institutions.

(c) The selection shall be made by holding a preliminary test and a written examination of the candidates who qualify in the preliminary test.

(d) In case the number of persons found suitable for appointment in such special selection exceeds the number of posts for which recruitment was to be made on the basis of the advertisement dated 8-10-1991, the surplus number of candidates who have been found suitable for appointment would be adjusted against posts to be filled on the basis of subsequent selection.

(e) The special selection which is to be conducted in pursuance of these directions shall be completed by the Commission by 31-12-1997."

(vi) Thus, for for filling up the post of 6000 unfilled posts out of 25,000 vacancies, the Commission was directed to act in accordance with the law laid down by the High Court and the Commission was directed to complete the selection process by 31st of December 1997.

(vii) In the year 2003 CWJC No. 13246 of 2003 was filed by Nand Kishore Ojha, later on different writ applications were also filed raising a grievance that the respondents-State has not acted

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upon the direction of the Apex Court in the case of Ram Vijay Kumar.

(viii) The Division Bench of the High Court after marathon exercise, has held out as follows:-

> "Taking all the circumstances into account inasmuch as the Court could collect information and having considered every factor of which the Court was intimated and with the reservation that this is based of the data which was supplied on record and as much as the Court could gather from other official sources, than the Education Department, whose Secretary was uncooperative throughout, the Court is of the view that the following reliefs and orders be passed:
>
> (a) The respondents shall follow the judgment and direction as was given by the Supreme Court in re Ram Vijay Kumar Vs. The State of Bihar & Ors (supra) and the judgment of the High Court affirmed by the Supreme Court in re. Vinod Kumar & Ors. Vs. The State of Bihar & Ors. (supra)
>
> (b) The Advertisement issued by the State of Bihar dated 10 December, 2003 annexure-1 to CWJC No. 13246 of 2003 for recruitment of teachers is quashed.
>
> (c) The Bihar Elementary Teachers Appointment Rules, 2003 are quashed.
>
> (d) All the trained teachers available are to be reckoned and considered for recruitment, by selection

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or otherwise, to teach elementary school, even taking into account the relaxation of age.

(e) The concessions granted by the National Council for Teachers' Education as a generality are quashed. The concessions may be considered upon application by the institutions concerned and/or for specific teachers on a case to case basis whether considering the inadequacies of facilities in an institution or lack of qualifications of a teacher who may be put into inservice training.

(f) The State government may now proceed by taking into account the totality of the circumstances and after having reckoned the avalibality of trained teachers, consider the recruitment of untrained teachers who will be given in in-service training should the occasion so arise.

(g) All applicants who applied in response to the advertisement dated 10 December 2003, which stands quashed, the applications and consequential monetary deposits shall stand transferred to the Bihar Public Service Commission, and the latter shall proceed with the recruitment of teachers as indicated by the Supreme Court judgment (supra) and by updating the statistical data required for recruitment of teachers, and these inputs be reflected in the advertisement which may now be issued, with the sole criteria in mind that the public plan for elementary education must be executed forthwith.

(h) In the interests of public, for the execution of a public plan to eradicate illiteracy, and the larger

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interests of children in the State, the plan for basic and primary education be implemented forthwith and without delay. If the circumstances and the exigencies so require that the process of recruitment, selection of teachers or the shortfall be made up by teachers who will be given in-service training, the plan should be given a kick start by considering the service of retired teachers who will man the position of elementary school teachers until the full strength of teachers is available when the recruitment process is available when the recruitment process is finalised.

(I) While making recruitment of teachers, whether trained or untrained being put into in service training, the State government will keep in mind the Bihar Education Code, particularly chapters 6 and 7 in the Bihar Education Code have been conveniently forgotten and the Code consigned to the godown.

The petitions are allowed with the aforesaid directions or observations."

(ix) The State of Bihar thereafter preferred SLP. While the SLP was pending disposal, an application was filed on behalf of the State of Bihar seeking leave to withdraw the SLP in view of the decision of the State Government to comply with the judgement and order of the Patna High Court. The undertaking of the State of Bihar was given on 18th January, 2006. On the said undertaking the Apex Court passed order on 23rd of January, 2006. Later on the State Government appointed approximately 60,000 teachers

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not on regular pay scale but on fixed remuneration as Panchayat Shikshak/ Prakhand Shikshak, etc.

5. In the aforesaid backdrop of the fact contempt petition No. 206 of 2006 was filed. In the contempt proceeding once again the State of Bihar filed undertaking reiterating the stand taken at the time of withdrawal of the SLP. The contempt proceeding was dropped vide order dated 19th March, 2007.

> "In view of the categorical statement now made that the priority will be given to the trained teachers in appointment and also the clarification made in paragraphs 19 to 22 of the aforesaid affidavit dated 7.2.2007, we direct the State of Bihar to implement the undertaking given by the State of Bihar earlier and also now by the present affidavit dated 7.2.2007 in letter and spirit by appointing the trained teachers on priority basis."

6. Mr. Nand Kishore Ojha has filed yet another contempt petition bearing Contempt Petition No. 297 of 2007 raising grievance of gross breach of assurance and undertaking given by the State Government in its affidavit dated 18th January, 2006 and 19th March 2007. The Apex Court in the aforesaid backdrop of the fact, issued direction. The relevant part of the order of the Apex Court in Contempt Petition No. 297 of 2007 in paragraph 22 and 23 dated 09.12.2009 is quoted below for ready reference.

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"22. In order to find a workable solution to the problem which has arisen on account of the failure of the Government authorities to abide by the undertakings given on its behalf, the advertisement for appointment of primary teachers which was published in December, 2003 and had been struck down by the High Court, was brought to our notice for the limited purpose of determining the total amount of vacancies which was shown as 34,540, whereas the estimated number of trained teachers yet to be accommodated was far beyond the aforesaid figure. In order to put a quietus to the entire issue, we have decided to accept the figures relating to the vacancies to the posts shown in the advertisement, to meet the claims of the trained teachers who were at the relevant point of time available for being appointed on a regular basis. Accordingly, notwithstanding the number of trained teachers available, we direct that the said available vacancies of 34,540, shown in the advertisement for appointment of primary teachers, be filled up with the said number of trained teachers as a one-time measure to give effect to the undertakings which had been given on 18th January, 2006 and 23rd January, 2006.

23. Accordingly, without issuing a Rule of Contempt, we direct that the 34,540 vacancies shown as available in the advertisement published in December, 2003, be filled up from amongst the trained teachers who are available, in order of seniority. As indicated above, this is to be done on a one-time basis and must not be taken as the regular practice to be followed."

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7. On 12 .5. 2010 the Apex Court quoting the undertaking of the State of Bihar clarified the direction to be carried out for the purpose of recruitment of 34,540 in the following manner.

> "11. While we appreciate the fact that the number of posts shown in the advertisement published in 2003 amounting to 34,540 have been created to be filled up by trained teachers, it must be said that it was never our intention that the conditions of the advertisement itself, which had been struck down by the High Court, were to be followed by the Bihar State Government. We had made it very clear in our order that we had referred to the advertisement only for the purpose of determining the number of vacancies which would be required to be filled up from amongst the trained teachers. It was very clearly our intention that all the 34,540 posts were to be filled up with trained teachers who were waiting for appointment, in order of seniority. The question of keeping some of the posts vacant on account of non-availability of reserved candidates was never the criterion in the order passed by us on 9th December, 2009. We must add that we are not for a moment suggesting that candidates from the reserved category should not be accommodated as per the reservation policy. What we intended was that after the number of candidates from the reserved category had been accommodated, the rest of the posts were to be filled up from amongst the candidates from the general category.

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> 12. Having regard to the above, we once again direct that the said 34,540 posts, which have been created, be filled up from amongst the trained teachers in order of seniority after providing for appointment of candidates belonging to the reserved category as a one-time measure as indicated in our earlier orders and as also mentioned in the additional affidavit affirmed on behalf of the State of Bihar."

8. In the aforesaid backdrop of the fact petitioners were appointed against the 34,540 posts of assistant teacher in the year 2012 in the light of the 2010 Bihar Special Elementary Teacher Recruitment Rules and the advertisement number 210 of 2010 under the Rule 2010 as well as the advertisement number 210 of 2010 it was specifically mentioned that the teachers appointed as one time measure shall be governed by new pension rules that is Contributory Pension Rules

9. It is to be noted here that all the petitioners appointed in terms of 2010 Rules against the vacancy of 34,540 posts advertised by the advertisement number 210 of 2010 on the basis of year of passing examination of training, as one time measure after their appointment they have filed the present batch of writ applications challenging the validity of Rule 12 whereby the teachers recruited under the Special Recruitment Rules of 2010 were inducted in the Contributory Pension Scheme.

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10. Mr. J.S.Attri, learned senor counsel assisted by Mr. Rakesh U.Upadhyay has basically argued that petitioners were appointed against the vacancy of 2003 and as such they are entitled to all the benefits available including the service condition and Pension Schemes admissible in the year 2003. Their main contentions are summarized as follows:-

(I) Since vacancies are of 2003, hence the service condition including Pension Schemes applicable in 2003 is applicable to the petitioners.

(II) The selection of the petitioners was delayed by the respondent-State and only after direction in the contempt proceeding petitioners have been appointed and for the delay in appointment petitioners cannot be subjected to denial of benefit of pension which was applicable at the time when the vacancy was earlier advertised.

(III) Denial of pension to the petitioners is against the judgment of the Apex Court in the case of **D.S. Nakara Vs Union of India: (1983) 1 SCC 305** as there is no rational justification for exclusion of the petitioners from pension scheme.

(IV) The petitioners shall be deemed to be appointees in terms of 2003 advertisement and shall be deemed to be appointed in 2003 for the purpose of pensionary benefits.

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11. On behalf of the State Mr. Anjani Kumar, Additional Advocate General No. 6 has submitted

(I) that petitioners being beneficiary of the Special Recruitment Rules of 2010, cannot aprobate and reprobate inasmuch as taking advantage of this special rule which was framed for recruitment of the petitioners as one time measure not on the basis of merit but on the basis of year of passing, cannot take advantage of the rule and challenge the rule at the same time;

(II) petitioners being appointees of the year 2012 cannot claim the benefit of pension scheme applicable prior to 1.9.2005, the cut-off date when the new Contributory Pension scheme was introduced'

(III) Contributory Pension Scheme was introduced with effect from 1.9.2005 which has uniform application and it applies to all appointees appointed after cut-off date 1.9.2005 and as such there is no question of any discrimination. He submitted that allowing these petitioners the benefit of pension scheme would amount to discrimination which is impermissible for the State as the State cannot adopt two different cut-off dates one for the teachers appointed under the special rules and the others appointed in different service on the basis of recommendation and selection by different selection bodies;

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(IV) in the instant case the Apex Court has laid down cut-off date as 23.1. 2006 for eligibility which indicates that all the service condition which were available on 23.1.2006 is applicable to the petitioners and the petitioner would be governed by the pension scheme as existing on 23.1.2006.

12. At the time of closing oral submission we granted one week time to the counsel for the petitioners to file written notes of argument if they so desire. On 20th of March 2018 on behalf of the petitioners a detailed notes of argument has been filed. For ready reference the written notes of argument on behalf of the petitioner is quoted below:-

"WRITTEN ARGUMENTS ON BEHALF OF PETITIONERS

It is evident from the detailed judgment and order dated 01.07.2004 (pgs. 37-91 of Paper Book) passed by the D.B. of this Hon'ble Court that the vacancies of Assistant Primary Teachers were old vacancies, vacant since from the year 1991 onwards & the total number of such old vacancies upto 01.07.2004 was about 63,000. The further finding of the Hon'ble Court was that the State Govt. deliberately delayed the process of filling said vacancies so that those who were to receive benefit of selection (like petitioners herein), with passage of time, are put to retirement & to render them age barred.

This Hon'ble Court in the said D.B. judgment dated 01.07.2004 quashed the Bihar Elementary Teachers Appointment Rules, 2003 and also the advertisement dated 10.12.2003. It is important to note here that the Hon'ble Court has not quashed the vacancies accrued

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& accumulated from 1991 onwards till the date of judgment. Rather, this Hon'ble Court issued mandamus to the State Govt. directing as under:-

> "All trained Teachers available are to be reckoned & considered for recruitment by selection or otherwise, to teach elementary school, even taking into account relaxation of age.
>
> The further important direction issued by the Hon'ble High Court was that pursuant to quashing of advertisement dted 10.12.2003, the applications and monetary deposits made by candidates shall be transferred to BPSC, who shall proceed with the recruitment of Teachers as indicated by the Supreme Court by updating statistical data required for recruitment of Teachers by issuing advertisement, which may now be issued, with the sole criteria in mind tht the public plan for Elementary Educatin must be executed forthwith.
>
> 3. The petitioners submit that the D.B. Judgment dated 01.07.2004 gave a valuable legal right of consideration and appointment to the post of Assistant Primary Teacher to the petitioners. This Hon'ble Court in no uncertain words made it very clear that the same has to be executed forthwith. Therefore, the appointment procedure ought to have been completed by the State Government expeditiously say within 6 months from 01.07.2004 i.e. maximum by 1-2-2005. However, the same has not been done by the State Govt.
>
> 4. It is important to submit here that rather than complying the judgment dated 01.07.2004 of this Hon'ble Court, the State Govt. further delayed the whole process by

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filing Special Leave Petition before the Hon'ble Supreme Court. It is relevant and important to submit here that before the Hon'ble Supreme Court, the State Govt. withdrawn the SLP by giving unequivocal undertaking dated 18.01.2006 (pgs. 17 to 25 of Rejoinder Affidavit) that 'the number of available trained teachers in the State is expected to be less than the available vacancies, no test or selection is required to that extent, a reference to this BPSC for initiating the process of recruitment of trained teachers may not be necessary and the order of this Hon'ble Court and of the Patna High Court in this regard may be modified".

The Hon'ble Supreme Court vide order dated 23.1.2006 took on record the above undertaking given by the State of Bihar and disposed of the Special Leave Petition indicating therein that the amount of money of candidates lying in BPSC should be returned to them and if there is no takers, the same has to be given in Chief Minister's Relief Fund.

5. It is with respect submitted that admittedly the vacancies of Assistant Primary Teachers, on which the petitioners were appointed were old vacancies of the year 1991 onwards. The undertaking dated 18.1.2006 of the State Govt. relates back to the judgment dated 01.07.2004 of High Court as it undertook to implement the same by filing up of vacancies of Assistant Primary Teachers from amongst trained teachers, without any test or selection. The State Govt. was under an obligation to fill up said vacancies forthwith i.e. maximum within 6 months from 01.07.2004 i.e. maximum upto 01.02.2005.

6. The above sequence of events proves that the delay in filing the posts of Assistant Primary Teachers from 1991

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onwrds is solely attributable to the State Government. This Hon'ble Court in the judgment and order dated 01.07.2004 clearly projected the mala fide and delayed action of State Govt. to the extent that the State Govt. even came to a stage of misleading the High Court. Finally, in all fairness, the State Govt. ought to have implemented the judgment dated 01.07.2004 of High Court within 6 months i.e. upto 01.02.2005, which was not done.

As the vacancies were old of the year 1991 onwards and legal right of consideration for appointment to the post of Assistant Primary Teacher was accrued to the petitioners on 01.07.2004, the New Contributory Pension Scheme implemented by the State Govt. w.e.f. 01.09.2005 is not applicable.

7. Even the Hon'ble Supreme Court in its judgment and order dated 09.12.2009 passed in Contempt Petition (C ) No. 297/2007 made it very clear that the vacancies on which petitioners have to be appointed are old vacancies. The Hon'ble Supreme Court was aware that the vacancies are far more (about 63,000) and the State Govt. was facing difficulty in giving employment to so many persons, a workable solution was evolved and figure of vacancies was brought down to 34,540 taking into account that admittedly in advertisement issued by the State Govt. in the year 2003, the vacancies were 34,540. This was done to put a quietus in regard to number of vacancies, as one time measure.

8. The petitioners have challenged the constitutional validity of the portion of "Bihar Special Elementary Teacher's Recruitment Rules, 2010" (for short 2010 Rules) to the extent that its says that the Assistant Primary

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Teachers will be governed by the Contributory Pension Scheme. It is with respect submitted that such a provision of governance of petitioners (who are appointed on old vacancies of Assistant Primary Teachers) under Contributory Pension Scheme is arbitrary, illegal and violative of Articles 14 & 16 of the Constitution.

9. The petitioners have filed a Chart (pg. 16 of Rejoinder Affidavit) making it very clear that under Contributory Pension Scheme most of them will get pension between Rs. 100 to 500 p.m. The Hon'ble Supreme Court in the famous case of D.S.Nakara reported in AIR 1983 SC 130 (para-26) made it very clear that pension is given to a person to live free from want, with decency, independence and self respect. It is with respect to submitted that pension of Rs. 100 to Rs. 500 p.m. with so much inflation in the year 2018 is just a pittance, which will not ameliorate the basic needs of petitioners at such an old age. The Hon'ble Supreme Court in the said case of D.S.Nakara (supra) further held that when the State action is challenged for violation of Article 14 of the Constitution, the State not only has to satisfy that there is rational principle on which the classification is founded but the same also has to correlate to the objects sought to be achieved.

In this case the object sought to be achieved was totally irrational, arbitrary & illegal due to the reason that the amount of Rs. 100 to Rs. 500 p.m. is just a pittance, which will not allow the petitioners to live with self respect & dignity. The Petitioners belongs to the class of Teachers belonging to Old Vacancies. In view of same the

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classification of the homogenous one class is also arbitrary. Therefore, the governance of petitioners under Contributory Pension Scheme is arbitrary & violative of Articles 14 & 16 of the Constitution.

. D.S. Nakara Vs. Union of India AIR 1983 SC 130(Paras 13-16,26,39,41)

. Central Inland Water Corporation Vs. Bajro Nath Gaguly AIR 1986 SC 1571

. Delhi Transport Corporation Vs. DTC Mazdoor Sangh – AIR 1991 SC 101

10. The Petitioners may therefore be treated to be in service from the Old date of vacancies, only for the purpose of counting qualified service for grant of pension & impart them regular pension as per General Pension Rules.

11. The provisions in regard to governance of petitioners under Contributory Pension Scheme has been drafted mechanically without understanding that the object sought to be achieved by such governance under CPS will defeat the very purpose of grant of pension. The draftsman of this provision only looking into the fact that after 01.09.2005 the Contributory Pension Scheme was introduced in State of Bihar, mechanically incorporated such a provision totally ignoring the fact that the Contributory Pension Scheme is applicable to the young persons entering in the job for the first time .i.e. fresh appointees to the State Govt, & not for the persons who are appointed on Old Vacancies at a fairly Old age. The Contributory Pension Scheme is at pg. 92 of the Paper Book and Clause 3 of said Scheme r/w the aims & objects of the said scheme makes it very clear that the same is meant for fresh appointees, who has fairly long

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years of service left entitling them a substantial sum of rupees at their retirement i.e. Golden Handshake & also the substantial amount of pension, by which they can live life with dignity & self respect. The Contributory Pension Scheme was not meant for petitioners, who were appointed after a fairly long years of contesting cases before the Courts of law on old vacancies at the fag end of their retirement. The principle of reading down or reading in will be applicable in such circumstances & the terminology appointment mentioned in Govt. of Bihar letter dated 31.08.2005 (pg. 92 of Paper Book) has to be read as fresh appointments & not the appointments on old vacancies after contesting the cases for years in Courts of law.

Namit Sharma Vs. UOI – (2013) 1 SCC 745 (paras 51-56, 61)

Parul Arogya Seva Mandal Vs. State of Gujarat. Judgment of High Court of Gujarat dated 14.10.2013 (Paras 19-20)

Ahmadabad Municipal Corporation Vs. Nilaybhai R. Thokre 1999 Supp (3) SCR, 647.

12. In the similar set of facts this Hon'ble Court vide judgment dated 01.10.2010 passed in CWJC No. 391/2010 entitled as Birendra Prasad Vs. State of Bihar held that the delay of process of appointment in 1988 is attributable to the State of Bihar alone. The petitioners came to this Court in time. This Court held that the action of respondents to be arbitrary & unjustified giving direction of appointment. Any such appointment has therefore to be deemed from the date that the appointment should have been provided but was not done. The Hon'ble Court in view of above held that petitioners are entitled for pension under General Pension

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Rules but not the Contributory Pension Rules. This Hon'ble Court in the said matter of Birendra Prasad (Supra) has gone a step further & also directed the State Govt. to pay to the petitioner arrears of salary. The similar view as taken by this Hon'ble Court in the matter of State of Bihar Vs. Nagendra Prasad Arya in judgment dated 26.03.2011 passed in LPA No. 1818/2010.

This Hon'ble Court judgment dated 01.10.2010 in CWJC No. 391/2010 entitled as Birendra Prasad Vs. State of Bihar State of Bihar Vs. Nagendra Prasad Arya in judgment dated 26.03.2011 passed in LPA No. 1818/2010.

13. The Hon'ble Supreme Court in the matter of Smt. Poonamal & Ors. Vs. UOI & Ors reported in 1985 (3) SCC 345 held that pension is not merely a statutory right but it is fulfillment of Constitutional promise in as much as it partakes the character of Public assistance in cases of old age etc. In this case there was a Class of employees who opted to be left out from family Scheme 1964, which was Contributory in character. On 22.09.1977 the Contributory Scheme ceased to exists. In view of above an anomalous situation arose. The widows of Govt. servants who had not aggrieved to make contribution in accordance with the 1964 Scheme were denied the benefit of pension. Such widows moved Writ Petition to the Supreme Court ^ the Government of India agreed to the contention of said widows and the Hon'ble Supreme Court passed compromised order dated 30.04.1985 laying down the principle of law that those widows who were denied the

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benefits on the ground that the Govt. Servants having not agreed to make Govt. contribution, could not be differently treated because that would be introducing an invidious classification among those who would be entitled for similar treatment. This decision has an application to the instant case.

Smt. Poonamal & Ors. Vs. UOI & Ors. Reported in 1985 (3) SCC 34 (Para 7).

14. It is on record that after the undertaking dated 18.01.2006 given by the State of Bihar before the Hon'ble Supreme Court and subsequent order dated 23.01.2006 passed by the Hon'ble Supreme Court, the State of Bihar restored to dilatory tactics to negate the right of appointment of petitioners on the post of Assistant Primary Teachers & framed Bihar Elementary School Teachers Rules 2006 to give adhoc appointment to the post of Prakhand Teacher/Panchayat Teacher/ Nagar Teacher. The Hon'ble Supreme Court in the judgment dated 09.12.2009 passed in Contempt Petition (C ) No. 297/2007 (pgs. 96-108 of Paper Book) gave clear cut finding that the said 2006 Rules was made as a policy to negate substantial rights of appointment of petitioner to the regular permanent posts of Assistant Primary Teachers. It is submitted tht the State of Bihar recruited about a lakh of persons on said adhoc posts of Prakhand Teacher/Panchayat Teacher/ Nagar Teacher. Some of the petitioners were also given the said adhoc appointments. The other few of the petitioners have not accepted the said adhoc appointments and continued their struggle to get the regular permanent appointment. It is with

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respect submitted that this Hon'ble Court in a detailed judgment and order dated 31.10.2017 passed in CWJC No. 21199/2013 in the matter of Bihar Secondary Teachers Struggle Committee Vs. State of Bihar granted the status of permanent regular post of Assistant Primary Teachers to the said adhoc Teachers and also granted them arrears of pay since from the year 2009.

It is submitted that in the similar situation, some of the petitioners were initially appointed on adhoc posts of Prakhand Teacher/Panchyat Teacher/Nagar Teacher and after the judgment of the Hon'ble Supreme Court in Contempt Petition, they were granted the regular status and pay of Assistant Primary Teacher. It is with respect submitted that some of the petitioners has not accepted the said lower adhoc post and continued to contest the case before the Hon'ble Supreme Court. In view of the above, all petitioners and interveners irrespective of the fact that whether they were earlier appointed on adhoc post of Prakhand Teacher/Panchayat Teacher/Nagar Teacher or not, all of them are entitled for arrears of pay from the year 2006.

Decision of this Hon'ble Court dated 31.10.2017 passed in the matter of Bihar Secondary Teachers Struggle Committee Vs. State of Bihar.

15. The State of Bihar has submitted that in the advertisement No. 210/2010, it has been mentioned that the persons appointed on the post of Assistant Primary Teachers pursuant to the judgment dated 01.12.2009 of the Hon'ble Supreme Court will be governed by the Contributory

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Pension Scheme. It is the contention of the State of Bihar that the petitioners were put to notice in the advertisement and now they cannot say that they are not governed by Contributory Pension Scheme. In this context it is respectfully submitted that similar contention was raised by the State of Bihar before this Hon'ble Court in CWJC No. 21199/2013 that adhoc appointees after having gone through the advertisement that their appointment was adhoc in nature cannot say that they are entitled for permanent post of Assistant Primary Teacher on the principle of equal pay for equal work. The said contention was rejected by this Hon'ble Court in the judgment dated 31.01.2017.

Even before the Supreme Court in Contempt Petition No. 297/2007 similar contention was raised that the petitioners have gone through the advertisement pursuant to the 2006 Rules for adhoc appointment of Prakhand Teacher/Panchayat Teacher/ Nagar Teacher and now they cannot claim the regular permanent post of Assistant Primary Teacher. The said contention was rejected by the Hon'ble Supreme Court in the judgment dated 09.12.2009. Pg. 96 of Paper Book.

It is submitted that as already stated the vacancies on which petitioners have been appointed on regular permanent post of Assistant Primary Teacher are old posts prior to 01.09.2005 and therefore they are entitled for pension under General Pension Rules.

16. The State of Bihar further during the course of arguments submitted that the Pension to all persons appointed on regular post of Assistant Primary Teacher pursuant to the judgment dated 09.12.2009 will have a

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heavy burden on financial exchequer of the State Government. It is with respect submitted that the Hon'ble Supreme Court consistently laid down the principle that only the petitioners and interveners those who have approached the Court are entitled for the benefits and not the persons those who have not approached the Hon'ble Court. This is due to many grounds like principle of delay and latches etc. This is a cse wherein the petitioners and interveners has within time approached the Hon'ble Supreme Court by filing writ C No. 566/2013, which was allowed to be withdrawn by the Hon'ble Supreme Court granting permission to approach the High Court. It is immediately thereafter petitioners and interveners approached this Hon'ble Court by filing instant writ petition. It is therefore, submitted that the petitioners and the interveners only are entitled for the reliefs claimed in the writ petitions.

The Hon'ble Supreme Court in the mass case of Mukesh & Anr. Vs. State of Bihar & Ors. Civil Appeal Nos. 4776-4777/2017 held that only the petitioners those who have approached it will be entitled for compassionate appointment. The Hon'ble Supreme Court in the Land Acquisition Cases also confines relief to the persons those who approach the Hon'ble Supreme Court. The one such case pertains to the Sahara. The said decisions of the Hon'ble Supreme Court in Mukesh Case and Sahara case are enclosed as the same has not been cited during the course of hearing."

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13. From the written notes of argument it appears that the bone of contention of the petitioners in the present batch of writ applications are as follows:-

(i) The vacancies are old vacancies prior to 1.9.2005 hence old pension rules will apply.

(ii) Right to consideration of the petitioners accrued in terms of the order of the High Court dated 1.7.2004 and as such the pension rules applicable on 1.7.2004 will apply to the case of the petitioners.

(iii) There is no rational relation in excluding the petitioners from the benefit of old pension rules, for that purpose the petitioners have placed reliance on the judgment of **D.S. Nakara Vs. Union of India: AIR 1983 1 SC 305 paragraph 26, Central Inland Water Corporation Vs. Brajo Nath Ganguly: AIR 1986 SC 1571 and Delhi Transport Corporation Vs. DTC Mazdoor Sangh: AIR 1991 SC 101.**

(iv) The petitioners in their written notes of argument has highlighted that petitioners shall be treated to have been appointed in service in connection with the vacancy of 2003 for the purpose of pensionary benefit.

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(v) Next submission in the written argument is that the contributory provident fund scheme was drafted mechanically and as such it is not applicable in the case of the petitioners.

(vi) In the written notes of argument counsel for the petitioners has formulated the issue that in order to adopt pragmatic approach, the Court should read down Rule 12 of the Special Recruitment Rules, 2010 and placed reliance on the judgment of the Supreme Court in the cases of **Namit Sharma Vs. UOI: (2013) 1 SCC 745, Parul Arogya Seva Mandal Vs. State of Gujarat judgment dated 14.10.2013 and Ahmedabad Municipal Corporation Vs. Nilaybhai R Thakre: 1999 Supp. (3) SCR, 647.**

(vii) Learned counsel has placed reliance on the decision of the Patna High Court contained in Annexure 8 to the writ application in CWJC No 25362 of 2013 whereby the Patna High Court noticing the delay in appointment notwithstanding the recommendation to the State Government in February, 1999 held out that the petitioners appointed after the cut-off date of 1.9.2005 are governed by pre-1.9.2005 Pension Rules and contended that the petitioners in the present batch of cases deserve the same treatment.

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(viii) In the written notes of argument, with reference to the judgment of the Apex Court in **Poonamal & Ors. Vs. UOI & Ors.: (1985) 3 SCC 345**, submission has been advanced that the purpose behind pension is Social Security and as such the court should adopt approach which promotes the objective of Social Security.

(ix) Counsel for the petitioners highlighted that petitioners have been appointed in terms of the undertaking of the State dated 18.1. 2006 and 23.1.2006 and as such they are entitled to the benefit of old scheme of pension and their right cannot be defeated.

(x) Council also highlighted the judgment of this Court in the matter of equal pay for equal work to contend that the petitioners would be entitled to the benefit of old pension rules.

14. The last limb of argument of the counsel for the petitioners as per the written notes of argument is that the financial constraint as pleaded in counter affidavit of the State is not applicable in the present case as the court should confine relief to only those who have approached for such relief before the writ court and references in this connection has been made to the judgment of the Apex Court in the case of **Mukesh and another**

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**versus State of Bihar and Ors.: Civil Appeal Nos. 4776-4777/2017 and M/s. Sahara India Commercial Corp. Ltd. & Ors. Vs. State of U.P. & Ors: Civil Appeal No. 11501 of 2016**.

15. On closure scrutiny of the entire facts and circumstances of the case, the following undisputed premise of fact emerges:-

(a) Petitioners are beneficiary of the Special Recruitment Rules of 2010 and they have been appointed in the year 2012.

(b) They never challenged the rule or the advertisement before their appointment as one time measure wherein it was categorically mentioned that petitioners would not be admitted to the Old Pension Rule rather they would be admitted to New Contributory Pension Rules.

(c) On 1.9.2005 the State Government introduced contributory pension scheme. This policy of new pension scheme was applicable to all appointees on selection after cut-off date of 1.9.2005.

(d) Cut-off date for eligibility for selection of Assistant Teacher under the Special Rule 2010 as well as the advertisement number 210 of 2010 is prescribed as 23rd of January 2006 i.e. the date the Apex Court passed order on the undertaking of the State Government dated 18.1.2006 to

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appoint trained teacher as the vacancies are more than the trained candidates are available.

(e) The selection was confined to 34,540 Assistant Teacher as one time measure. The vacancy was of 2003 and only for the purpose of counting vacancy the 2003 Rules is only relevant.

(f) Rules 2003 as well as advertisement of 2003 was quashed by the High Court and never restored by the Apex Court.

16. In the totality of the facts situation as indicated hereinabove the Court does not find any substance in the submission advanced by learned counsel appearing on behalf of the petitioners. There is no infirmity in Rule 12 of the Rule 2010, by any standard, it cannot be held to be arbitrary, unreasonable and violative of Articles 14 and 16 of the Constitution. The court does not find any merit in the contention of the learned counsel for the petitioners that the vacancies are of 2003 and as such the pension scheme applicable in 2003 would apply in the case of the petitioners. The Apex Court in so many words clarified this aspect in the order dated 9th December 2009, as well as 12th of May 2010. Order dated 12.05.2010 has been quoted in paragraph 7 of this judgment. The aforesaid paragraphs 11 and 12 of the order dated 12.05.2010 is

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clinching on the point that advertisement published in 2003 is only for counting the vacancy of 34,540 Assistant Teacher and for no other purpose, even the condition of the Advertisement which has been struck down by the High Court.

17. The Apex Court has noted the undertaking of the State of Bihar dated 18th of January 2006 and 23rd of January 2006 in the order of the Apex Court on such undertaking and referring to the same the Apex Court has fixed the cut-off date for eligibility as 23rd of January 2006. The Apex Court decision in this regard is clinching that 23rd January, 2006 is the cut-off date for eligibility and the subsequent vacancy advertised in the year 2010 under the special rule of 2010 are clinching material on the point that selection process was undertaken in the year 2010 and whatever rule was applicable in the year 2010 are applicable including the pension scheme for the purpose of the service condition.

18. The Court does not find any merit in the contention of the petitioners that the petitioners were appointed against the vacancy of 2003 and therefore they shall be deemed to be in service in 2003. Such submission of the petitioners is submission in desperation and cannot be accepted.

19. On closure scrutiny of entire facts of the case, the Court does not find application of the principle laid down by **D.S.**

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**Nakara** case (supra). The aforesaid case is distinguishable on facts and not attracted in the peculiar facts of this case where the special selection as one time measure was undertaken by the State for the purpose of giving effect to the undertaking before the Apex Court on 18th of January 2006.

20. The Court also does not find any merit in the submission of the counsel for the petitioners that in the matter of old vacancy old rule apply. The Apex Court in its series of judgments has held out that the new rule will not apply during the currency of old selection process but new rule will apply if fresh selection process are undertaken. The court only inhibits application of new rule during the currency of the selection process. It does not preclude the employer to apply the new rule by undertaking new selection process/fresh selection process. In the instant case the vacancy of 2003 was advertised and selection process was undertaking under the 2003 rules. The Division Bench of Patna High Court in the case of Nand Kishore Ojha quashed the advertisement as well as the rule and as such there is no reason for continuity of the selection process of 2003. To the contrary as a special case as one time major the selection process was undertaken in 2010 under a special recruitment rules by advertisement number one 210 of 2010. Thus there is no substance in the submission of the learned

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counsel for the petitioners that they have been recruited under the 2003 vacancy in terms of the rule which was applicable in 2003, as, the advertisement itself was quashed and the recruitment rules of 2003 was also quashed. the submission of applicability of pre-2003 pension rules in the facts of the case is totally misconceived and unsustainable. The contention of the petitioners that they have acquired right in terms of the order of the High Court dated 1.7.2004 is totally misconceived. Their right to consideration accrued only in terms of the undertaking given by the State of Bihar in the Apex Court on 18.1.2006 and not on 1.7. 2004. Deeming fiction cannot be stretched too far to include the petitioners appointed in 2012 to be in service in 2003.

21. The submission of learned counsel for the petitioners about the reading down of the rule with reference to the judgment in its Namita Sharma Vs. Union of India: (2013) 1 SCC 745 is totally misconceived. It has no application in the present case as the Court does not find any defect in the rule warranting reading down of the rule. The pension rules introduced with effect from 1.9. 2005 is of uniform application and cannot be interpreted to mean the application of the new Pension Schemes from different dates for different category of employees recruited in the service of the State.

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22. The submission of the learned counsel to confined the relief to the petitioners who have approached the writ court is also uncalled for as the court does not find any merit in the claim of the petitioner for inclusion of their case under the old pension scheme there is no question of individualistic justice in the present case. The other submissions advanced on behalf the petitioners for applicability of old Pension Scheme is worth only a submission to be noted for rejection and does not merit any consideration.

23. In the totality of the fact situation the Court is of the considered view that in the present case selection process has commenced only after the Special Rules of 2010 and as such paragraphs 11 and 13 of the judgment in the case of **Devin Katti vs. Karnataka Public Service Commission: (1990) 3 SCC 157** has no application in the present case. The judgment of **Smt.Poonamal & Ors. Vs. Union of India & Ors: (1985) 3 SCC345 and D.S.Nakara** (supra) has no application in the present case.

24. The Court is of the considered view that the beneficiary of the 2010 Rules cannot aprobate and reprobate. Reference in this connection may be made to the judgment of the Apex Court in the case of **Ashok Kumar versus State of Bihar: (2017) 4 SCC 357**.

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Thus in the totality of the facts situation, the Court does not find any justification to interfere with the Rule.

25. All the writ applications fail and are, accordingly, dismissed.

**( Anil Kumar Upadhyay, J)**

**Rajendra Menon –** I agree.

**(Rajendra Menon, CJ)**

spandey/-

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