

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11174 of 2014

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1. Jagdish Ram S/o Late Nathuni Ram, Assistant Teacher Upgraded Middle School, Devradhgkala, Kudra, P.S- Kudra, District- Kaimur (Bhabhua)
 2. Sheomuni Paswan S/o Sri Jhagru Paswan, Assistant Teacher, Utkramit Kanya Madhya Vidyalaya, Belounid, P.S- Mohania, Distt- Kaimur (Bhabhua)
 3. Baleshwar Singh S/o Sri Sipathi Singh, Assistant Teacher Utkramit Madhya Vidyalaya, Newras, P.S- Kudra, Distt- Kaimur (Bhabhua)
 4. Kumari Payal Singh D/o Sri Gobardhan Singh, Assistant Teacher Utkramit Madhya Vidyalaya, Sariyan, Durgawati, P.S- Durgawati, Distt- Kaimur (Bhabhua)
 5. Kumari Maya Upadhyay D/o Late Sridhar Upadhyay, Assistant Teacher, Utkramit Madhya Vidyalaya, Ichawn, Kilni, P.S- Chand, Distt- Kaimur (Bhabhua)
 6. Anita Kumari D/o Ram Krit Ram, Assistant Teacher, Utkramit Madhya Vidyalaya, Manihari, P.S- Manihari, Distt- Kaimur (Bhabhua)
 7. Santra Devi D/o Ram Sanehi Ram, Assistant Teacher, New Prathmik Vidyalaya, Salauja, Chand, P.S- Chand, Distt- Kaimur (Bhabhua)
 8. Shagufta Nasim D/o Naseem Ahmed Khan, Assistant Teacher Urdu Primary Makatab School, Biur, Manpur Biur, P.S- Chainpur, Distt- Kaimur (Bhabhua)
 9. Usha Devi D/o Rajgrihi Ram, Assistant Teacher, Middle School, Ramgarh, Umapur, P.S- Bhagwanpur, District- Kaimur (Bhabhua)
 10. Kumari Rinku Yadav D/o Shhiva Dhar Yadav, Assistant Teacher, New Prathmik Vidyalaya, Panchagai, Deohalia, P.S- Ramgarh, Distt- Kaimur (Bhabhua)
 11. Uma Shankar Chaubey S/o Late Ziutbandhan Chaubey, Assistant Teacher, Utkramit Madhya Vidyalaya, Jhati Sabar, P.S- Rampur, Distt- Kaimur (Bhabhua)
 12. Kusum Kumari D/o Late Ramashankar Dubey, Assistant Teacher Middle School, Nauhatta, P.S- Rampur, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Department of Education, Govt. of Bihar, Patna.
4. The District Education Officer, Kaimur (Bhabhua), District- Kaimur.
5. The District Programme Officer (Establishment), Kaimur (Bhabhua), District- Kaimur.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Advocate.
; Mr. Mukesh Kumar Singh, Advocate.
For the Respondent/s : Mr. Kumar Kamalnayan, AC to SC-28.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-09-2018 Heard Mr. Rajendra Pd. Singh, learned senior counsel

appearing on behalf of the petitioners and counsel appearing on

behalf of the State.

The present writ petition was filed for quashing of the letter No 298 dated 28.2.2014 issued by Director Primary Education contained in Annexure-1 whereby all District Education Officers/ District Programme Officers and Panchayat Secretary were directed to remove all teachers including petitioners who have failed twice in the efficiency test conducted by the State Council for Education Research and Training. This issue was decided by the Supreme Court and after order of the Supreme Court the respondents themselves decided to provide more opportunity to the teachers who have failed twice in the efficiency test.

Counsel appearing on behalf of the petitioners admitted that petitioners are retained in their service. So far as petitioners No. 1 and 3 are concerned they have retained in job but they were not paid salary for the period petitioners were removed pursuant to Annexure-1.



In view of the fact that after the decision of the Supreme Court the respondents themselves have decided to provide more opportunity to the teachers who have failed twice in the efficiency test. The respondents are required to ensure payment of salary for the period petitioners No. 1 and 3 have worked. Necessary decision on the claim of the petitioners for payment of arrears of salary may be taken by the respondents within a period of four months from the date of receipt/ production of a copy of this order and ensure payment thereof within the time frame as indicate above.

With the aforesaid the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

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