

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2172 of 2016

IN

LPA 985 of 1996

- =====
1. Santosh Jaiswal, son of Nitya Nand Prasad Jaiswal At present posted and working as an Assistant teacher in Govt. Middle School Amarakh, Anchal-Kudhani, District- Muzaffarpur.
 2. Amar Nath Sah, son of Mahadeo Sah, At present posted and working as an Assistant teacher in Govt. Middle School Bhatauna, Anchal- Marwan, District- Muzaffarpur.
 3. Rajesh Kumar son of Ganesh Prasad Rai, At present posted and working as an Assistant teacher in Govt. Middle School Mahanth Maniyari, Ancha- Kudhani, District - Muzaffarpur.
 4. Praduman Prasad Gupta, son of Jagdish Sah, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Pratapur, Purvi, Anchal Marwan. District- Muzaffarpur.
 5. Suresh Sah, son of Jagan Sah, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Chiknauta, Anchal- Marwan. District- Muzaffarpur.
 6. Mewa Lal Ram, son of Asarfi Ram, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Hariharpur Bhikhi, Anchal- Paru. District- Muzaffarpur.
 7. Suresh Kumar, son of Babuji Mahto, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Dumari (Hindi), Anchal-Katra. District- Muzaffarpur.
 8. Hemant Kumar, son of Upendra Jha, At present posted and working as an Assistant teacher in Govt. Middle School Turki Bazar, Anchal- Minapur, District- Muzaffarpur.
 9. Sambhu Kumar, son of Ram Nandan Rai, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Dih Gaurihar, Anchal-Sakra. District- Muzaffarpur.
 10. Suraj Das, son of Bihari Das, At present posted and working as an Assistant teacher in Govt. Middle School Gosaipur, Anchal- Minapur, District- Muzaffarpur.
 11. Rajesh Chaudhary, son of Yogendra Chaudhary, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Prakhand Colony, Anchal-Sakra, District- Muzaffarpur
 12. Rakesh Kumar, Son of Awadhilal Rai, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Prakhand Colony, Anchal-Sakra, District- Muzaffarpur
 13. Dinesh Kumar Yadav, Son of Rudal Rai, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Bayadih, Anchal- Saraiya, District- Muzaffarpur.
 14. Ganesh Ram, Son of Jangi Ram, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Khemai Patti Hindi, Anchal- Minapur. District- Muzaffarpur.
 15. Snjay Kumar, Son of Ram Yatan Mandal, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Mohanpur, Anchal- Bochha, District- Muzaffarpur.
 16. Sunil Kumar, son of Shyam Nandan Bhagat, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Pandya Paschim, Anchal-Kudhani, District- Muzaffarpur.
 17. Sudha Sinha, son of Ram Nath Prasad Sinha, At present posted and working as



- an Assistant teacher in Govt. Upgraded Middle School Turki Paschami Tola, Anchal- Kudhani, District- Muzaffarpur.
18. Ashok Kumar, son of Ramchandra Prasad, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Pipari, Anchal- Sakra, District- Muzaffarpur.
 19. Ajay Kumar, son of Ramchandra Mahto, At present posted and working as an Assistant teacher in Govt. Middle School Chitrauli, Anchal- Kudhani, District- Muzaffarpur.
 20. Raghuvir Singh, Son of Shayam Lal Singh, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Jagdishpur, Anchal- Kudhani, District- Muzaffarpur.
 21. Sanjay Kumar, Son of Dwarika Prasad, Ar present posted and working as an Assistant teacher in Govt. of Upgraded Middle School Jagdishpur, Anchal- Kudhani, District- Muzaffarpur.
 22. Vijay Kumar Singh, Son of Tej Narayan Singh, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Madhopur, Anchal- Musahari, District- Muzaffarpur
 23. Shashi Bhusan Kumar, Son of Jay Narayan Rai, Ar present posted and working as an Assistant teacher in Govt. Upgraded Middle School Darji Tola Bakhari, Anchal- Muraul, District- Muzaffarpur.
 24. Aftab Alam, son of Md. Naseem, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Bhikhanpur Saif Urdu, Anchal- Kudhani, District Muzaffarpur.
 25. Raj Kumar Ranjan, son of Late Munshi Sah, At present posted and working as an Assistant teacher in Govt. Middle School Gorigawa, Anchal- Saraiya, District Muzaffarpur.
 26. Jai Kishore Prasad Sinha, son of Biswanath Prasad Sinha, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Sahabazpur, Anchal- Kanti, District- Muzaffarpur.
 27. Mirtunjay Kumar, son of Late Hardeo Thakur, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School RupanPatti, Anchal- Sakara, District- Muzaffarpur.
 28. Sailendra Kumar Singh, son of Ram Jatan Singh, At present posted and working as an Assistant teacher in Govt. Middle School Ratanpur, Anchal- Sakra, District- Muzaffarpur.
 29. Seraz Ahmad, son of Md. Kasim, At present and working as an Assistant teacher in Govt. Middle School Manjhauliya Bazar Urdu, Anchal- Sakra, District- Muzaffarpur.
 30. Mani Shankar Prasad, son of Late Mahavir Prasad, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Tarma, Anchal- Kanti, District- Muzaffarpur.
 31. Madan Mohan Shahi, son of Sharda Shahi, At present posted and working as an Assistant teacher in Govt. Middle School Kharika, Anchal - Minapur, District- Muzaffarpur.
 32. Nagendra Rai, son of Satya Narayan Rai, At present posted and working as an Assistant teacher in Govt. Middle School Karja, Anchal- Marwan, Distirt- Muzaffarpur.
 33. Omkar Nath Verma son of Late Parasnath Verma At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Gopalpur Neura, Anchal- Saraiya, District- Muzaffarpur.
 34. Jai Ram Sah, son of Mahadeo Sah, At present posted and working as an Assistant teacher in Govt. Middle School Mohhabatpur, Anchal- Paru, District- Muzaffarpur.
 35. Lal Mohal Thakur, son of Late Shiv Nandan Thakur, At present posted and working as an Assistant teacher in Govt. Middle School Birhima Bazar, Anchal-



- Motipur, District- Muzaffarpur.
36. Uday Shankar Pandit, son of Sukha Pandit, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Mohiddipur, Anchal-Motipur, District- Muzaffarpur.
 37. Laliteshwar Thakur, Son of Baleshwar Thakur, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Gopinathpur Dhokda, Anchal-Saraiya, District- Muzaffarpur.
 38. Nawal Kishore Rai, sonof Faudi Rai, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Gopinathpur Dokada, Anchal- Saraiya, District- Muzaffarpur.
 39. Vidyanand Kumar, son of Suraj Das, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Bisunpur Baisaith, Anchal-Kudhani, District- Muzaffarpur.
 40. Raja Choudhary, son of Shiv Shankar Chaudhary, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Sital Patti, Purvi, Anchal- Minapur, District- Muzaffarpur.
 41. Niraj Kumar son of Late Jawahar Lal Gupta At present posted and working as an Assistant teacher in Govt. Middle School Wazidpur Gijas, Anchal- Paru, District- Muzaffarpur.
 42. Ranvir Singh, son of Ram Sawarath Singh, At present posted and working as a teacher in Govt. Upgraded Middle School Ladwariay, Anchal- Kudhai, District- Muzaffarpur.
 43. Basdeo Paswan, son of Yugal Paswan, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Majhauilya Neem Tola, Anchal- Paru, District- Muzaffarpur.
 44. Manoj Kumar, son of Mahendra Bhagat, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Simra Narayanpur, Anchal-Bandra, District- Muzaffarpur.
 45. Ramesh Kumar, son of Makhan Ram, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Baji, Anchal- Kudhani, District- Muzaffarpur.
 46. Satendra Kumar, son of Late Parmanand Pathak, At present of Posted and working as an Assistant teacher in Govt. Upgraded Middle School Pratapur Purvi, Anchal- Saraiya, District- Muzaffarpur.
 47. Madan Mohan Martand, son of Late Mohit Lal Singh, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Mahamadpur Banwari, Ancha- Sakra, District- Muzaffarpur.
 48. Kamlesh Kumar Thakur, son of Rajdeo Thakur, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Godani, Anchal-Kudhani, District- Muzaffarpur.
 49. Umesh Thakur, son of Jangi Thakur, At present posted and working as an Assistant in Govt. Upgraded Middle School Fanda Anchal- Kudhani, District- Muzaffarpur.
 50. Badri Das, son of Sudan Das, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Chandpura Purvi, Anchal- Paru, District- Muzaffarpur.
 51. Umesh Kumar, son of Shri Shiv Shankar, At present posted and working as an Assistatn teacher in Govt. Upgraded Middle School Ali Neura Harijan Mali Tola, Anchal- Minapur, District- Muzaffarpur.
 52. Gopal Sharma, son of Ramjee Sharma, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Raghunathpur Madhuban, Anchal- Kudhani, District- Muzaffarpur.
 53. Lok Manya, son of Raghav Patel, At present posted and working as an Assistatn teacher in Govt. Upgraded Middle School Saraiya Kothi Anchal-Saraiya, District- Muzaffarpur.



54. Manoj Kumar, son of Maheshwar Prasad Sahni, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Sarwani Chak, Anchal- Bochaha, District- Muzaffarpur.
55. Satrudhan Kumar, son of Jagdeo Pandit, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Gudhani Braham Sthan, Anchal- Bochacha, District- Muzaffarpur.
56. Ram Pukar Singh, son of Horil Singh, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Pakahi, Anchal- Kudhani, District- Muzaffarpur.
57. Sanyog Kumar Premi, son of Ram Ashish Ram, At present posted and working as an Assistnat teacher in Govt. Upgraded Middle School Musahari Urdu, Anchal- Bochcha, DIstrict- Muzaffarpur.
58. Kishore Sanjay, son of Binda Bhagat, At present posted and working as an teacher in Govt. Upgraded Middle School Bandi Dubauli, Anchal- Paru, District- Muzaffarpur.
59. Surendra Prasad Sah, son of Shiv Shankar Sah, at present posted and working as an Assistant teacher in Govt. Upgraded Middle School Samastipur, Anchal- Sakra, District-Muzaffarpur.
60. Manu Kumar Pankaj, son of Shri Mahendra Singh, At present Posted working as an Assistant teacher in Govt. Upgraded Middle School Gudhami, Anchal- Bochcha, District- Muzaffarpur.
61. Kamal Kishore Singh, son of Raj Mangal Singh, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Rampur Ratna, Anchal- Minapur, District- Muzaffarpur.
62. Shiv Kishore, son of Satrudhan Rai, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Aaganagar- Meturapur, Anchal- Kudhani, District- Muzaffarpur.
63. Ashok Kumar, son of Lal Prasad Sah, At present posted and working as an Assistant teacher in Govt. Middle School Muzammatpur, Anchal- Paru, District- Muzaffarpur.
64. Nagendra Ram, son of Batki Ram, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Kinaru Dakshini, Anchal- Kudhani, District- Muzaffarpur.
65. Vinodanand Choudhary, son of Mahendra Choudhary, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Pareya Paschami, Anchal- Kudhani, District-c Muzaffarpur.
66. Ajay Kumar Jha, son of Ram Chandra Jha, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Muraul, Anchal Kudhani, District Muzaffarpur.
67. Amanat Ali, son of Leyakat Ali, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Muradpur Urdu, Anchal- Kudhani, District- Muzaffarpur.
68. Archana Kumari, son of Narayan Thakur, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Chakbhikhi, Anchal- Kudhani, District- Muzaffarpur.
69. Rajeev Kumar, son of Late Ram Deni Chaudhary, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Muraul, Anchal- Kudhani, District- Muzaffarpur.
70. Amleshwar Singh, son of Shiv Prasad Singh, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Baliya, Anchal- Kudhani, District- Muzaffarpur.
71. Ajay Kumar Choudhary, son of Baidhnath Chaudhary, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Bishunpur Mangal, Anchal- Kudhani, District- Muzaffarpur.
72. Praveen Kumar, son of Nawal Kishore Yadav, At present posted and working



- as an Assistant teacher in Govt. Upgraded Middle School Mahamudpur, Anchal- Bochaha, District- Muzaffarpur.
73. Raja Choudhary, son of Shiv Shankar Chaudhary, At present Posted and working as an Assistant teacher in Govt. Upgraded Middle School Sita Patti, Purvi, Anchal- Minapur, District- Muzaffarpur.
74. Ram Naresh Thakur , son of Ram Sobhit Thakur, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Tulsi Mohanpur, Anchal- Sakra, District- Muzaffarpur.
75. Manohar Thakur, son of Kailash Thakur, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Padmaul, Anchal- Kudhani, District Muzaffarpur.
76. Vijay Kumar, Son of Jay Mangal Bhagat, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Subadhiya Noor, Anchal- Kudhani, District- Muzaffarpur.
77. Amarnath Chaudhary, son of Baidya Nath Choudhary, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Fatehpur, Anchal- Kudhani, District- Muzaffarpur.
78. Ram Narayan, Son of Jagdish Bhagat, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Chakmakhan, Anchal- Kudhani, District- Muzaffarpur.
79. Bharat Bhusan Kumar, son of Jaglal Das At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Balara Ismile, Anchal- Kudhani, District- Muzaffarpur.
80. Gangesh Jha, son of Baleswar Jha, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Chakiya, Anchal- Kudhani, District- Muzaffarpur.
81. Indra Deo Mahto, son of Mahendra Mahto, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Madhukar Chapra, Anchal- Kanti, District- Muzaffarpur.
82. Sanjay Kumar Singh, son of Rabindra Kumar Singh, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Bada Kapoor, Anchal- Kudhani, District Muzaffarpur.
83. Rajesh Ram, son of Bhola Ram, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Borebara Kafan Urdu, Anchal- Bochaha, District- Muzaffarpur.
84. Mohan Thakur, Son of Bangali Thakur, At present posted and working as an Assistant teacher in Govt. Middle School Rasulpur, Anchal- Marwan. District- Muzaffarpur.
85. Afroz Alam Ansari, son of Wasi Ahmad, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Gorihari, Anchal- Kudhani, District Muzaffarpur.
86. Shyam Nandan Singh son of Girija Nandan Singh, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Hamidpur, Anchall- Bochaha, District- Muzaffarpur.
87. Ranjeet Kumar, son of Keshwar Das, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Chapra Rupnath, Anchal- Musahari, District- Muzaffarpur.
88. Sanjay Kumar, son of Devlal Singh, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Dhodhi Ratan, Anchal- Kudhani, District Muzaffarpur.
89. Anunya Kumar, son of Ramchandra Bhagat, At present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Ratanpur Urdu, Anchal- Bochcha, District- Muzaffarpur.
90. Rajesh Paswan, son of Nathuni Paswan, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Gopalpur Bishunpur,



Anchal- Bandra, District- Muzaffarpur.

91. Subodh Kumar, son of Ram Nagina Prasad, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Pirapur, Anchal-Bandra, District- Muzaffarpur.
92. Krishna Deo Mahto, son of Vhatti mahto, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Kothiya Dakhili, Anchal-Musahari, District- Muzaffarpur.
93. Sarvesh Chandra Gupta, son of Raj Narayan Prasad Gupta. at present posted and working as an Assistant teacher in Govt. Upgraded Middle School Mura, Anchal- Sakra, District-Muzaffarpur.
94. Brahmddeo Prasad, son of Late Bihari Prasad, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Husepur, Anchal-Sakra, District- Muzaffarpur.
95. Sanjeev Kumar Ratnakar, son of Late Ganesh Prasad Sah, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Jamalabad Tole Nawada, Anchal- Musahari, District- Muzaffarpur.
96. Usha Kumari, son of Jaipal Chaudhary, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Basant Patti Kanya, Anchal- Saraiya, District- Muzaffarpur.
97. Umesh Kumar Thakur, son of Rijhan Thakur, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Pratirajpur, Anchal-Sakra, District- Muzaffarpur.
98. Surendra Mahto, son of Lakhan Mahto, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Supana, Anchal- Saraiya, District- Muzaffarpur.
99. Md. Hasnain son of Md. Yunus, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Simra, Anchal-Sakra, District-Muzaffarpur.
100. Manish Kumar, son of Umesh Prasad Agarwal, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Dharmapur Paschim, Anchal- Minapur, District- Muzaffarpur.
101. Satrudhan Prasad, son of Ram Ayodhya Prasad, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Bandi Dubauli, Anchal- Paru. District- Muzaffarpur.
102. Rajesh Shrivastav, son of Siya Ram Prasad, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Nurulahapur Bangra, Anchal- Kanti, District- Muzaffarpur.
103. Raman Kumar, son of Ram Surat Tiwari, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Bishunpur Jagdish Naya Tola, Anchal- Bochaha, District- Muzaffarpur.
104. Rajendra Nath Jha som of Shri Modnath Jha, At present posted and working as an Assistant teacher in Govt. Upgraded Middle School Aaganagar Methurapur, Anchal- Kudhani, District Muzaffarpur.
105. Rakesh Kumar, son of Late Kedar Prasad, At present posted and working as an Assisnat teacher in Govt. Middle School Karamchand Rampur Balara, Anchal- Kudhani, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through Mr. G.S. Gangwar, the Principal Secretary, Education Department, Government of Bihar, Patna.
2. Mr. Ramchandra Tudu, the Director, Primary Education, Education Department, Bihar, Patna.
3. Mr. Dharmendra Singh, the District Magistrate, Muzaffarpur.
4. Smt. Bimla Kumari, the Regional Deputy Director of Education, Tirhut



Division, Muzaffarpur.

5. Mr. Satyendra Narain Kanth, the District Education Officer, Muzaffarpur.

6. Smt. Neeta Pandey, the District Programme Officer (Establishment), Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Respondent/s : Mr. A.K. Sinha, GA 9

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(Per: HONOURABLE THE CHIEF JUSTICE)

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date: 14-09-2018

The aforesaid contempt application has been filed alleging disobedience of the judgment dated 21.4.2009 passed by the learned Full Bench of this Court in LPA No. 985 of 1996 and other analogous cases.

2. In the present case all the petitioners are stated to be posted as Assistant teachers/ teachers in the District of Muzaffarpur in the Government Middle School.

3. The learned counsel for the petitioners has alleged that fresh seniority list, as directed vide aforesaid judgment dated 21.04.2009 passed by the learned Full Bench, has not been prepared as far as the district of Muzaffarpur is concerned, hence, consequently promotions have also not been granted.

4. Per contra, the learned counsel for the opposite parties, referring to the show cause filed in various contempt petitions, has



submitted that seniority list for the purposes of promotion, as per the judgment of the learned Full Bench dated 21.04.2009, has been prepared and steps have also been taken to grant promotion.

5. We have heard the learned counsel for the parties and have gone through the materials on record. We have also perused the earlier order passed by the learned Full Bench dated 14.01.2016, disposing of M.J.C. No. 1083 of 2014 (arising out of LPA No. 985 of 1996), wherein disobedience and non-compliance of the aforesaid judgment dated 21.04.2009 passed in LPA No. 985 of 1996 and other analogous cases had been alleged, however, the learned Full Bench had recorded the submissions of the learned counsel for the respondents/ opposite parties in the following words:-

“ The respondents/ opposite parties have submitted that they have complied with the directions given by the order, dated 21.04.2009, passed in L.P.A. No. 985 of 1996, by a Full Bench of this Court in respect of the districts in the State of Bihar except in respect of five districts, namely, Buxar, Arwal, Kishanganj, Samastipur and Begusarai. This apart, on a query made by this Court, Mr. Pawan Kumar, learned Assistant Counsel to Government Pleader No.2, has also submitted that in respect of the said five districts, necessary steps, as mandated by the order, dated 21.04.2009, aforementioned would also be taken and the entire exercise would be completed within a period of two months from today.”



6. From the aforesaid order passed by the learned Full Bench dated 14.01.2016 passed in MJC No. 1083 of 2014, it is apparent that as far as the district of Muzaffarpur is concerned, the directions given by the learned Full Bench vide judgment dated 21.04.2009 has been complied with. Moreover, we find that the aforesaid Full Bench judgment dated 21.04.2009 was passed on the basis of the rules prevailing at that point of time i.e. the Bihar Taken Over Elementary School Teachers' Promotion Rules, 1993, however, the same has been repealed by the new enactment i.e. the Bihar Nationalized Elementary Schools Teachers Promotion Rules, 2011. In fact, many teachers have challenged the promotions granted to various teachers by filing various writ petitions, one of them being CWJC No. 20707 of 2013 wherein a learned Single Judge of this Court, vide judgment dated 20.04.2016, has directed to prepare the seniority list and grant consequential promotion by following the Bihar Nationalized Elementary Schools Teachers Promotion Rules, 2011. Thus, we find that by efflux of time and coming into being, the new rules i.e. the Bihar Nationalized Elementary Schools Teachers Promotion Rules, 2011, the old rules i.e. the Bihar Taken Over Elementary School Teachers' Promotion Rules, 1993 has been repealed, hence the petitioners are required to agitate their grievances, if any, under the new rules by taking recourse to such remedies as are available under the Law.



7. Having considered the facts and circumstances, as also for the reasons mentioned herein above, we are of the view that the judgment dated 21.4.2009 passed by the learned Full Bench in LPA No. 985 of 1996 and other analogous cases has been complied with, hence the present contempt petition is disposed of with liberty to the petitioners to take recourse to such remedies as are available under the law in case they are aggrieved either with the seniority list or with the promotion granted by the opposite parties.

8. The present batch of contempt petitions are disposed of with the aforesaid directions and liberty.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

(Mohit Kumar Shah, J)

BTiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24-09-2018
Transmission Date	

