

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 15104 of 2016

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1. Ranjani Kumari @ Rajni Kumari W/o Sri Lal Babu Choudhary R/o Ganga Vihar Colony, Tekari Road, Choudhary Tola, P.S. - Sultanganj, District - Patna.
 2. Chanchal Kumari W/o Sri Abhay Kumar Sinha R/o Teacher's Quarter, B.N.R. Training College, Gulzarbagh, P.S. - Alamganj, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Special Secretary, Secondary Education, Govt. of Bihar, Patna.
4. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
5. The Deputy Director, Secondary Education Department, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Shailesh Kumar, Advocate
For the S t a t e : Mr Subhash Chandra Mishra, SC XVI

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 29-11-2018 Heard learned counsel for the petitioners and the respondent-State.

Petitioners seek quashing of the order dated 14.09.2015 whereby their claim for merger into the Bihar Education Service (Class II) has been rejected. Petitioners are Members of the Subordinate Education Service Cadre.

It is submitted by the learned counsel for the respondent-State that the merger of the Subordinate Education Service Cadre with Bihar Education Service (Class II) took place with effect from 01.01.1977. From the order of the



Principal Secretary, it is apparent that the petitioners were appointed much subsequently in between 1982 to 1989 after the Subordinate Education Service Cadre was abolished. The order of the Principal Secretary records that their appointment was done in an irregular manner at the regional level. However, the order dated 14.09.2015 records that even though they are not entitled to any benefit of merger, since their appointments are irregular/not in accordance with law but as they have continued in service for a considerable long period of time on the basis of some “one time settlement” scheme, it has been decided that they would be considered as Members of the Subordinate Education Service Cadre and given benefits upto their age of superannuation on a provisional basis. The order, however, explicitly records that they will not be given any benefit of merger.

In view of such submission of the learned counsel for the respondent-State, as apparent from the order dated 14.09.2015 of the Principal Secretary, petitioners are not able to make out any case for any claim for merger in Bihar Education Service (Class II).

Learned counsel for the petitioners, however, submits that even the benefits for which they are entitled in terms of the



order dated 14.09.2015, which is impugned in the instant writ petition, in so far as the payments treating them as Members of Bihar Education Service, has not been paid to them. He submits that for grant of benefits in light of the decision dated 14.09.2015 under Memo No 1763 of the Principal Secretary, Education Department, the petitioners would be making their application before the Principal Secretary.

If the petitioners files such application within four weeks, the claim of the petitioners should be considered and disposed of by a reasoned and speaking order in accordance with law within a period of three months thereafter.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

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