

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5122 of 2018

1. Nilu Tripathi, Daughter of Raghwendra Muny Tripathi, Resident of Mohalla: Rai Jai Krishna Road Gurhatta, P.S. Khajekalan, Patna City, District- Patna.
2. Pranita Rai, Daughter of Shyam Bahadur Rai, Resident of Mohalla: Kankarbagh Main Road, Opposite Commerical House, Patna.
3. Vijay Kumar, Son of Sri Prem Nasth Rai, Resident of Mohalla: Chhatwara Kapoor, P.S. Mahua, District Vaishali.
4. Pawan Poshan Mandal, Son of Sri Anandi Mandal, Resident of Village- Abiya Chack, P.S. Sultanganj, District Bhagalpur.
5. Sujeet Kumar, Son of Sri Brahmdeo Rajak,. Resident of Village & P.O.- Lavapur Mahnar, District- Vaishali.
6. Ajay Kumar Choubey, Son of Sri Ganesh Choubey, Resident of Village- Hat Pokhar, P.S. Jagdishpur, District Bhojpur.
7. Ashutosh Kumar Ashu, Son of Sri Chandra Mauli Sharma, Resident of Mohalla: Adarsh Colony, Road No. 3, P.O. New Jaganpura Khemnichak, Patna- 27.
8. Kamlesh Kumar, Son of Sri Upendra Sahu, Resident of Village- Pursaulia, P.S. Pursaulia, District Madhubani.
9. Devendra Kumar Yadav, Son of Sri Mahendra Pratap Yadav, Resident of Village- Konahara, P.O. Chanesh, P.S. Kurdhani, District- Kaimur.
10. Shailesh Kumar Singh, Son of Sri Ram Bachan Singh, Resident of Village- Jamurna, P.O. Jamurna, P.S. Ramgarh, District Kaimur (Bhabhua).
11. Shiv Sankar Lal, Son of Sri Lal Vijay Narayan, Resident of Village & P.O. Gaurv Nagar, P.S. Narwalpur, District Nalanda.
12. Sunil Kumar, Son of Sri Khausal Singh, Resident of Mohalla Ward No. 3, Bhabhua, Kaimur.
13. Prashant Kumar Singh, Son of Sri Paherlad Singh, Resident of Village- Piparia, P.O. Piparia, P.S. Durgawati, District- Kaimur.
14. Abhishek Bahadur Singh, Son of Sri Ajay Kumar Singh, Resident of Village- Machkhiya, P.O. Piparia, P.S. Durgawati, District- Kaimur.
15. Jai Prakash Singh, Son of Sri Yamuna Singh Yadav, Resident of Village- Kudari, P.S. Durgawati, District Kaimur.
16. Kabita Kumari, Daughter of Late Bishbhar Singh, Resident of Village- Laria, P.O. Bambhaur Khas, P.S. Mohania, District- Kaimur.
17. Rajiv Ranjan Kumar, Son of Sri Krishnadeo Prasad, Resident of Village- Kai Karan Bigha, P.S. Angari, District Nalanda.
18. Manoranjan Pandey, Son of Sri Narendradev Pandey, Resident of House No. 427, A.P. Colony, Gaya, P.O. and P.S. Rampur, District- Gaya.
19. Anand Kumar Jha, Son of Late Rudradeo Jha, Resident of Village+ P.O.- Tharhi, P.S. Andhra Tharhi, District- Madhubani.
20. Shashi Shekhar Nath Jha, Son of Sri Kashi Nath Jha, Resident of Village+ P.O.- Mehath Via Jhanjharpur, P.S. Bhairab Asthan, District Madhubani.



21. Pradeep Kumar Rai, Son of Sri Kamdeo Ray, Resident of Village+ P.O.- Arer Laxmipur, Ward No. 06, P.S. Arer, Anrerarerha, District- Madhubani.
22. Dr. Sudhir Kumar, Son of Sri Sitaram Das, Resident of Village+ P.O. Gangauli, P.S.- Gangauli, District- Madhubani.
23. Manoj Kumar Yadav, Son of Sri Ram Vilash Yadav, Resident of Ward No. 12 Katia, P.S. Benipatti, District Madhubani.
24. Ram Nath Yadav, Son of Sri Damodar Yadav, Resident of Village+ P.O.- Paithan Kawai, Ward No. 19, District- Darbhanga.
25. Md. Rizwan, Son of Md. Lallo, Resident of Village- Avnsi Belhara Tola, P.S. Awnsibha Bhagama, Bisfi, District Madhubani.
26. Dipti Kumari, Daughter of Sri Ganesh Kumar Kanth, Resident of Village+ P.O.- Biraul, P.S. Benipatti, District- Madhubani.
27. Sangeeta Kumari, Daughter of Sri Ram Bujhawan Sah, Wife of Sri Govind Sah, Resident of Mohalla- Indra Chauk, Benipatti, District- Madhubani.
28. Sarda Mishra (Jha), Daughter of Sri Dwarika Nath Mishra, Wife of Sri Pradeep Jha, H.N. No. 78, Tirtha Nagar, School Block, Karala, West Delhi.
29. Sulekha Kumari, Wife of Sri Ramchandra Prasad, Ward No. 5, Basua Madhubani Andhrathari, Madhubani.
30. Mukesh Prasad Dutta, Son of Sri Devendra Prasad Dutt, Resident of Mohalla- J.P. Colony, Ward No. 14, Madhubani, P.S. Madhubani, District Madhubani.
31. Md. Anjum Pravej, Son of Md. Jacki Haider, Resident of Village- Toi Math, P.O. Paharpur Toi, P.S. Desari, District- Vaishali.
32. Shrawan Kumar, Son of Sri Lal Babu Choudhary, Resident of Village- Salha, P.O. Salha, P.S. Desari, District Vaishali.
33. Kalapana Mohan, Wife of Tribhuwan Kumar, Resident of Village- Yagparha Block Jandaha, District Vaishali.
34. Om Prakash Pathak, Son of Sri Satya Narayan Pathak, Resident of Village+ P.O.- Jamira, District- Bhojpur.
35. Deepak Kumar Singh, Son of Sri Mahendra Singh, Resident of Village+ P.O. Dhadwar, P.S. Narhi Chandi, District Bhojpur.
36. Awadhesh Kumar Giri, Son of Ashok Giri, Resident of Village+ P.O. Moa Kala, District- Bhojpur.
37. Bini Raj, Son of Sri Baban Prasad Singh, Resident of Village+ P.O. Katauna, P.S. Katri Sarai (Part in Giriak), District- Nalanda.
38. Bharatjee Pandey, Son of Sri Ravi Shankar Pandey, Resident of Mohalla Friends Colony, Pakari, Ara, Bhojpur.
39. Rajiv Kumar Singh, son of Sri Brij Nandan Singh, Resident of Village+ P.O. Bamhwar, P.S. Piro, District- Bhojpur.
40. Babalu Kumar, Son of Sri Arjun Singh, Resident of Village+ P.O.+ P.S. Piro, District Bhojpur.
41. Subhash Chandra Basu, Son of Sri Arjun Singh, Resident of Village+ P.O. Baruhi, District- Bhojpur.
42. Niraj Kumar Singh, son of Sri Uday Pratap Singh, Resident of Village- Chapar, P.O. Mahiuddin Nagar, P.S. Mahiuddin Nagar, District- Samastipur.



... .. Petitioner/s

Versus

1. The Union of India, through Secretary Department of School Education & Literacy Ministry of Human Resource Development, Government of India.
2. The State of Bihar through its Principal Secretary, Department of Human Resource Development, Bihar, Patna.
3. The Director Primary Education, Department of Human Resource Development, Bihar, Patna.
4. The District Programme Officer, Patna.
5. The District Programme Officer, Bhojpur.
6. The District Programme Officer, Kaimur.
7. The District Programme Officer, Gaya.
8. The District Programme Officer, Bhagalpur.
9. The District Programme Officer, Madhubani.
10. The District Programme Officer, Darbhanga.
11. The District Programme Officer, Samastipur.
12. The District Programme Officer, Vaishali.
13. The District Programme Officer, ..
14. The District Education Officer, Patna.
15. The District Education Officer, Bhojpur.
16. The District Education Officer, Kaimur.
17. The District Education Officer, Samastipur.
18. The District Education Officer, Bhagalpur.
19. The District Education Officer, Madhubani.
20. The District Education Officer, Darbhanga.
21. The District Education Officer, Samastipur.
22. The State of Bihar, through the Chief Secretary, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dudh Nath Singh, Advocate
For the UOI	:	Mr. S.D.Sanjay, ASG
		Mr. Ram Anurag Singh, CGC
For the State	:	MADHAW PRASAD YADAV -GP23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 27-03-2018 Heard learned counsel for the petitioners and learned
counsel appearing for the State.

42 petitioners have filed the present writ petition
for a direction to the respondents to consider them as trained
teachers and grant pay scale of trained teachers to them.

Learned counsel for the petitioners submits that the



petitioners were appointed as Prakhanda/Panchayat teachers in the year 2014. They were eligible in terms of NCTE norms to be appointed as trained teachers and on their appointment and on obtaining necessary training qualification, they are entitled to be treated as trained teachers and also entitled to all the benefits of trained teachers. The respondents have adopted recalcitrant attitude towards the genuine grievance of the petitioners and as a result of reluctant attitude the petitioners have been denied the benefits of trained teachers. However, counsel admits that the petitioners have represented to the respondents way back on 15.12.2016 but no final decision either way has been taken by the respondents.

In view of the above, the respondents are directed to dispose of the representation dated 15.12.2016 contained in Annexure-5 by reasoned and speaking order within a maximum period of 60 days from the date of receipt/production of a copy of this order.

In the event, the petitioners' claim are admitted by the respondents, necessary consequential order may be passed extending the benefit of trained teachers to the petitioners. In case the respondents do not find substance in the claim of the petitioners, the respondents are obliged to give reasons for



rejecting the claim within the time frame as indicated
hereinabove.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

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