

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.497 of 2018

-
-
1. Rajiv Kumar Mishra Son of Sri Narsingh Mishra Resident of Village +P.O. - Bharpurwa, P.S. - Vijayipur, District- Gopalganj.
 2. Vishwa Ranjan Swaroop Pathak Son of late Sri Suresh Pathak Resident of Village- Sota Dharahra, P.O. +P.S.- Kateya, District- Gopalganj.
 3. Bramhachari Satyaprakash Son of Sri Awadhesh Kumar Choudhari Resident- Nonapakad, P.O. Bharpurwa, P.S. Vijayipur, District- Gopalganj.
 4. Swati Priya Wife of Sri Om Prakash Vidyarathi Resident of Nirala Nagar, P.S. Digha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development Department, Govt. of Bihar, New Secretariat, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar , New Secretariat, Patna.
3. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
4. The Director, Research and Training Council (Education), Bihar, Patna.
5. The State Project Director, Bihar Education Project Council , Shikhsa Bhawan, Rastrabhasha Parishad Campus, Saidpur, Rajendra Nagar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 183 of 2018

-
-
1. Sanjay Prasad Son of Binda Prasad, Resident of Village- Madhopur Anant, P.S. Sheohar, District-Sheohar, Presently Deputed as CRCC, Middle School Madhopur Anant, Block Sheohar, District Sheohar.
 2. Bajrang Kumar, Son of Upendra Kumar Singh, Resident of Village-Purnahiya, P.S. Purnahiya, District-Sheohar Presently Deputed as BRR, Block-Purnahiya, District-Sheohar.
 3. Naresh KUMAR Chaudhary, Son of Mahesh Chaudhary, Resident of Village-Narwara, P.S.-Taxiyani, District-Sheohar. Presently Deputed as BRR at Tariyani Block, District-Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar, through its Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna
3. The Director, Primary Education, Human Resources Department, Govt. of Bihar, Patna.
4. The State Project Director, Bihar Education Project, Council Patna.
5. The Director, Research & Training, Directorate, Education Department, Bihar, Patna.
6. The Director, State Educational Research and Training Council, Patna.
7. The Principal District Education and Training Institution.
8. The Regional Deputy Director of Education, Department, Muzaffarpur,



9. The District Education Officer, Sheohar.
10. The District Programme Officer, Sarva Shiksha Abhiyan, Sheohar.
11. The Block Education Officer, Sheohar.
12. The Block Education Officer, Purnahiya, Sheohar.
13. The Block Education Officer, Tariyani, Sheohar. Respondent/s

with

Civil Writ Jurisdiction Case No. 583 of 2018

1. Kumar Gaurav, Son of Sri Virendra Prasad Singh, Resident of At + Post Office-Gangapur, Police Station-Musarigharari, District-Samastipur.
2. Chandra Bhushan Thakur, Son of Late Lal Babu Thakur, Resident of At+ Post Office-Gohi, Police Station-Waris Nagar, District-Samastipur.
3. Sanjeev Kumar Jha, Son of Late Visheshwar Jha, Resident of Village-Udaypur, Police Station-Sarai Ranjan, District-Samastipur.
4. Ajeet Kumar, Son of Sri raj Kumar Roy, Resident of At +Post Office-jitwarpur Nizamat, Ward No. 2, Police Station + District-Samastipur.
5. Akhilesh Kumar Singh, Son of Sri Lakshman Singh, Resident of At+Post Office-Baghi (Ekadara),Police Station + District-Samastipur.
6. Shyam Kumar Pandey, Son of Jay Mandal Pandey, Resident of At+ Post Office- Hanspur, Police Station-Khanpur, District-Samastipur.
7. Santosh Prasad Karn, Son of Umakant Lal, Resident of At-Dath, Post Office- Bharwari, Police Station-Hasanpur, District-Samastipur.
8. Mithilesh Kumar, Son of Baidyanath Prasad, Resident of At + Post Office-Dhepura, Police Station-Dalsingh Sarai, District-Samastipur.
9. Farida Khatoon, Wife of Md. Mushtaque Ahmad, Resident of At +Post Office-Kharasand, police Station-Kalyanpur, District-Samastipur.
10. Kumar Ranjan, Son of Ram Sakal Yadav, Resident of Village-Sahit Brindavan, Police Station-Vidyapati Nagar, District-Samastipur.
11. Rabindra Kumar Singh, Son of Sri Ram Shankar Singh, Resident of At +Post Office-Samartha, Police Station-Bibhutipur, District-Samastipur.
12. Kavita Kumari, Son of Satish Chandra Jha, Resident of Mohalla-Kashipur, Ward No. 12, Police Station + District-Samastipur.
13. Suman Kumari, Daughter of Sri Ram Ratan Prasad Singh, Resident of Village-Ghat Nawada, Police Station-Dalsingh Sarai, District-Samastipur.
14. Paras Nath Maharaj, Son of Sri Rajendra Maharaj, Resident of At + Post Office-Dasout, Police Station-Hathauri, District-Samastipur.
15. Rajeev Kumar Jha, Son of Late Hari Mohan Jha, Resident of At + Post Office-Harua, Police Station-Tajpur, District-Samastipur.



... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Director, Research and Training, Education Department, Government of Bihar, Patna.
5. The Director, Bihar education Project Council, Rajendra Nagar, Patna.
6. The District Education Officer, Samastipur, District-Samastipur.
7. The District Programme Officer (Elementary Education and Sarv Shiksha Abhiyan), Samastipur, District-Samastipur.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 517 of 2018

1. Ranjeet Kumar Son of Sri Sathu Roy Resident of Village : - Hariochanpur Sukki, P.S. : Patepur, District : - Vaishali at Hajipur.
2. Md. Nasim Ahmad Son of Late Md. Nayem Resident of Village : - Chakanser, P.S. : Patepur, District : Vaishali at Hajipur.
3. Raju Ranjan Kumar Son of Sri Ram Prakash Singh Resident of Village : - Agrail, P.S. Baligaon, District : - Vaishali at Hajipur.
4. Sushma Kumari Daughter of Chandeshwar Pd. Choudhary, Wife of Abhay Kumar Resident of Village : - Chakanser, P.S. : Patepur, District : Vaishali at Hajipur.
5. Arvind Kumar Pandey Son of Late Chaturbhuj Pandey Resident of Village - Narayanpur Khairi, P.S. Waimi O.P., District : - Vaishali at Hajipur.
6. Pravin Kumar Son of Late Iswar Prasad Singh Resident of Village : - Dwarikanagar, P.S. Mushahari, District - Muzaffarpur.
7. Rakesh Kumar Son of Late Ram Nagina Roy Resident of Village - Keshopur, P.S. Sakra, District - Muzaffarpur.
8. Sujit Kumar Son of Ramanand Thakur Resident of Village : Sharma, P.S. - Mahua, District Vaishali at Hajipur.
9. Ajit Kumar Son of Sonelal Singh Resident of Village : - Piroi, P.S. Goraul, District : Vaishali at Hajipur.
10. Kamendragiri Son of Ram Bahadur Giri Resident of Village : Dabaiehai, P.S. Tisiauta, District : Vaishali at Hajipur.
11. Md. Masum Faiz Son of Hafiz Md. Nazim Resident of Village - Chaknasir, P.S. Patepur, District - Vaishali at Hajipur.
12. Rajeev Kumar Son of Ram Shrestha Mishra Resident of Village : Raghobpur Harsanda, P.S. Patepur, District Vaishali at Hajipur.
13. Susant Kumar Roy Son of Jaimurat Roy Resident of Village Mahipura, P.S. Jandaha, District Vaishali at Hajipur.
14. Vijay Kumar Son of Premnath Roy Resident of Village : - Chhatwara Kapoor, P.S. Mahua, District Vaishali at Hajipur.
15. Kiran Kumari Wife of Raj Kumar Roy Resident of Village - Milki, P.O. Rusulpur Fatah, P.S. Mahua, District Vaishali.



16. Braj Kishore Singh Son of Gouri Shankar Singh Resident of Village - Chhitauli, P.O. Peruli, P.S. Goraul, District : Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Government of Bihar, New Secretariat, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
5. The Director, Research and Training Council (Education), Bihar, Patna.
6. The State Project Director, Bihar Education Project Council, Shiksha Bhawan, Rastrabhasha Parishad Campus, Saidpur, Rajendra Nagar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1463 of 2018

1. Vivek Kumar, Son of Mahendra Sah, Resident of At- Anant Karja, P.O. & P.S.- Karja, District- Muzaffarpur.
2. Mukesh Kumar, Son of Jaynandan Prasad Singh, At Ayachi Gram Road No.- 7, East, North of Bairiya Bus Statnd, P.O.- M.I.T., P.S- Ahiyapur, District- Muzaffarpur.
3. Fakhruddin Ali Ahmad, Son of Md. Sharfuddin, At + P.O.- Megwal Mathia, P.S.- Ramnagar, District- West Champaran.
4. Shashi Ranjan Kumar, Son of Shyam Nandan Bhagat, Village- Dhodhi Ratan, P.O.- Keshrawan, P.S.- Kurhani, District- Muzaffarpur.
5. Md. Akil Ahmad, Son of Md. Kamrul Hoda, At- Katahan, P.O.- Barkagaon, P.S.- Karja, District- Muzaffarpur.
6. Rakesh Kumar, Son of Sri Suresh Ray, At- Mirjapur, P.O.- Srisia, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. Principal Secretary, Education Department, Government of Bihar, Patna.
3. Director, Research & Training Council (Education), Bihar, Patna.
4. State Project Director, Bihar Education Project Council, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1545 of 2018

1. Anjan Kumar, S/o Sri Sudhir Kumar Mishra, R/o- at+P.O.- Baheda Jahidpur, P.S.- Nanpur, District- Sitamarhi.
2. Mukesh Kumar, S/o Sri Ram Nagina Prasad, R/o Village- Madhuban Bazar, P.O.+P.S.- Bajpatti, District- Sitamarhi.



3. Rana Randhir Kumar, S/o Sri Jagdanand Kumar, R/o At+P.O.- Katka, P.S.- Singhwara, District- Darbhanga.
4. Jay Gauraav, S/o Sri Hare Krishna Prasad, R/o at + P.O.- Dorpur, P.S.- Nanpur, District- Sitamarhi.
5. Manoj Kumar Chaudhary, S/o Sri Ram Vilash Chaudhary, R/o at+P.O.- Bhadiyan, P.S.- Nanpur, District- Sitamarhi.
6. Rajeev Kumar, S/o Sri Haridev Jha, R/o Village- Ratanpura, P.S.- Nanpur, District- Sitamarhi.
7. Pankaj Kumar Bharti, S/o Late Ramashish Paswwan, R/o Village- Sonversa Tola, P.S.- Pupari, District- Sitamarhi.
8. Nirbhay Kumar, S/o Sri Arun Kumar Singh, R/o Village- Brahmaul, P.S.- Nanpur, District- Sitamarhi.
9. Om Prakash, S/o Sri Chandeshwar Thakur, R/o Village- Bahilwara Dhanushi, P.S.- Runni Saidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Director, Research and Training, Education Department, Government of Bihar, Patna.
5. The Director, Bihar, State Project Council, Rajendra Nagar, Patna.
6. The District Education Officer, Sitamarhi, District- Sitamarhi.
7. The District Programme Officer (Elementary Education and Sarv Shiksha Abhiyan), Sitamarhi, District- Sitamarhi.
8. The Principal, District Education and Training Institute, Dumra, District- Sitamarhi.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1787 of 2018

1. Md. Nurul Hoda, S/o-Md.Kalinullah, R.o-Village-Bhakurahiya, P.O.-Harpur, P.S.-Nakardei, District-East Champaran.
2. Atikur Rahman, S/o-Zakir Hussain, R/o-Village-Inarwa, P.S.- Adapur, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Director, Research and Training, Education Department, Government of Bihar, Patna.
5. The Director, Bihar, State Project Council, Rajendra Nagar, Patna.
6. The District Education Officer, East Champaran, District-East Champaran.
7. The District Programme Officer (Elementary Education and Sarv Shiksha Abhiyan), East Champaran, District-East Champaran.
8. The Principal Secretary, Education and Training Institute, District- East Champaran.

.. ... Respondent/s



with

Civil Writ Jurisdiction Case No. 1710 of 2018

-
1. Bijay Kumar Singh S/o Sri Bimal Kishore Singh R/o At + P.O. - Mohraghat, P.S. - Alauli, District - Khagaria.
 2. Prashant Kumar S/o Sri Sudhir Kumar R/o At Bhadas (North), P.O. - Bhadas (South), P.S. - Muffasil, Block & District - Khagaria.
 3. Sujeet Kumar S/o Sri Ram Chandra Mehta R/o At + P.O. - Sanhauli, District - Khagaria.
 4. Prashant Kumar S/o Late Sita Ram Prasad R/o At Samirnagar, P.O. - Koshi College, Block & District - Khagaria.
 5. Wakil Thakur S/o Sri Nand Kishore Thakur R/o At Ashok Nagar, Ward No. 15, P.O. - Koshi College, District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The Director (Research and Training), Education Department, Govt. of Bihar, Patna.
4. The State Project Director, Bihar Education Project Council, Patna.
5. The District Education Officer, Khagaria.
6. The District Programme Officer (EE & SSA), Khagaria.
7. The Principal, District Institution of Education and Training (DIET), Ramganj Sansarpur, Khagaria.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1750 of 2018

-
1. Brij Bihari Rai, S/o Late Sri Bhagwan Rai, R/o Village- Kritpura, Post- Kamarpur, P.S. & District- Buxar (at present working as Block Resource Person, Buxar).
 2. Nasheem Ahmad, S/o Late Sadruddin Ahmad, Vill+Post- Chanwath, P.S.- Nvanagar, Distt- Buxar (present working as cluster resource centre coordinator M.S. Churamanpur).
 3. Rajnish Sinha, S/o Late Rajesh Nandan Sharan Sinha, R/o Mahadevopuri, Gardani Bagh, Post- G.P.O. Patna (at present working as Block Resources person, Buxar) Brahampur.
 4. Dhananjay Prasad Singh, S/o Janardan Prasad Singh, Vill- Veer Knuwar Singh Colony, Buxar, Post- Buxar, P.S.- Buxar.
 5. Ravikant Singh, S/o Chandrama Singh, Vill & Post- Karahansi, P.S.- Chausa, Distt- Buxar.
 6. Kamlesh Kumar, S/o Brij Mohan Rai, Vill- Teachers Colony Charitravan Buxar, Post- Buxar, P.S.- Buxar, Distt- Buxar.
 7. Nagendra Kumar Singh, S/o Late Sheo Shankar Yadav, Vill & Post- Brahmpur Chaurasta, P.S.- Brahampur (at present working as Block Resource Person, Brahampur).
 8. Jay Prakash Tiwary, S/o Late Pashupati Nath Tiwary, Vill & Post- Bhadwar, Bagen Gola, Distt- Buxar (at present working as Block Resource person, Brahampur).



9. Rajeev Kumar Jaiswal, S/o Arvind Kumar, Vill & Post- Nimej P.S.- Brahampur, Distt- Buxar (at present working as Block Resource Person, Brahampur).
10. Krishna Kant Pandey, S/o Late Janardan Pandey, Vill- Sohani Patti Buxar, Post- Buxar, P.S.- Buxar, Distt- Buxar (Present working as Cluster Resource Centre Co-ordinator M.S. Dalsagar).
11. Sanjay Kumar Yadav, S/o Nageshwar Prasad, Vill & Post- Majharia, P.S.- Buxar, Distt- Buxar (Present woking as Cluster Resource Centre Co-ordinator M.S. Ramobaria).
12. Arvind Kumar Singh, S/o Late Brij Raj Singh, Resident of Village+Post- Arak, Police Station- Krishna Braham, District- Buxar, presently working as BRP, Chakki.
13. Dr. Manoj Kumar Mishra, S/o Anand Kumar Mishra, Vill+Post- Dumraon, Distt- Buxar (at present working as Block Resource Person, Chaugain).
14. Md. Naushad Ali, S/o Md. Kasim, Vill & Post- Brahampur, P.S.- Brahampur, Distt- Buxar (at present working as Block Resource Person Brahampur).
15. Dhananjay @ Dhananjay Prasad Singh, S/o Janardan Prasad Singh, Resident of Mohalla- Veer Kunwar Singh Nagar, Post+Police Station+District- Buxar, presently working as CRCC.
16. Jitendra Tiwari, S/o Rajendra Tiwari, Vill- Sidhipur, Post- Shivpur, Distt- Buxar (at present working as Block Resource Person, Chaugain).
17. Bipin Kumar, S/o Sri Jitendra Kumar Singh, Vill & Post- Dhansoin, Distt- Buxar (Present working as Cluster Resource Centre Co-ordinator M.S. Mohanpur, Rajpur).
18. Ajay Kumar Singh, S/o Late Jag Dayal Singh, Resident of Mohalla- Vishwamitra Colony, Niranjapur Golumber, Police Station- Industrial Area, Buxar, District- Buxar, Presently posted as BRP, Buxar.
19. Krishna Bihari Rai, S/o Late Bhagwan Rai, Resident of Village- Kritpura, Post- Kamarpur, Police Station- Chausa, District- Buxar, Presently working as CRCC.
20. Mukesh Kumar Singh, S/o Sri Harendra Singh, Assistant teacher M.S. Dudhipatti, Post- Simri, P.S.- Simri, Distt- Buxar (at present working as Block Resource Person, Simri).
21. Ashok Kumar Rai, S/o Late Sudarshan Rai, Presently working as Assistant Teacher, M.S. Arjunpur, Block- Simri, BRP, Simri, District- Buxar.
22. Sahjahan, S/o Late Abdul Hafiz, Resident of Village+Post- Dumri, Police Station- Simri, District- Buxar, Presently working as CRCC, M.s. Dhakaich.
23. Akhilesh Kumar Rai, S/o Sri Bashisth Muni Rai, Resident of Village+Post- Ekwna, Police Station- Simri, District- Buxar.
24. Vijay Shankar Ojha, S/o Late Baban Ojha, Resident of Village- Garahaiya, Post & Police Station- Sikraul Lakh, District- Buxar, presently working as CRCC.
25. Gopal Jee Rai, S/o Bhuneshwar Rai, Resident of Village+Post- Chhotkin Sarimpur, Police Station & District- Buxar, presently working as CRCC.



... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Education Officer, Buxar.
4. The Director, Research and Training Council (Education), Bihar, Patna.
5. The State Project Director, Bihar Education Project Council, Shikcha Bhawan, Rastrabhasha Parishad Campus, Saidpur, Rajendra Nagar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1958 of 2018

1. Ram Sagar Yadav, Son of Ramadhar Yadav, Resident of Village- Darauli, Police Station- Darauli, District- Siwan.
2. Durgesh Kumar Gupta, Son of Late Naresh Prasad, Resident of Village- Chitakhil, Police Station- Guthni, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Education Department, Govt. of Bihar, Patna.
2. Rajya Pariyojna Nideshak, Bihar Siksha Pariyojna Parishad, Bihar, Patna.
3. Director, Primary Education, Govt. of Bihar Patna.
4. Director, Sodh Avam Prashikshan Nidashalay, Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2306 of 2018

1. Sajjad Ali, S/o Shekh Bhannu, R/o Village+P.O.- Jayshinhpur Tola Gharbari, P.S.- Turkaulia, District- East Champaran at Motihari.
2. Rajesh Kumar Rajak, S/o Indradev Baitha, R/o Village+P.O.- Amar Chhatauni Mission Compound, P.S.- Chhatauni, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Director, Research and Training, Education Department, Government of Bihar, Patna.
5. The Director, Bihar, State Project Council, Rajendra Nagar, Patna.
6. The District Education Officer, East Champaran, District East Champaran.
7. The District Programme Officer (Elementary Education and Sarv Shiksha Abhiyan), East Champaran, District- East Champaran.
8. The Principal, District Education and Training Institute, Betiah, District- East Champaran.

... .. Respondent/s



with
Civil Writ Jurisdiction Case No. 2338 of 2018

1. Md. Sagir Ahmad, S/o Late Taimullah Miyan, R/o Village-Madhavi Nagar, Ward No.15, Ganj No-1, Naya Tola, P.S.- Bettiah, District- West Champaran.
2. Sanjay Kumar Verma, S/o Bipin Bihari Verma, R/o Mahendra Colony, Banuchhaper, P.S.- Bettiah Muffasil, District- West Champaran.
3. Rakesh Raman, S/o Late Prem Nath Srivastava, R/o St. Kabir Road, Luxmi Nagar, Banuchhaper, P.S.- Bettiah Muffasil, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Director, Research and Training, Education Department, Government of Bihar, Patna.
5. The Director, Bihar State Project Council, Rajendra Nagar, Patna.
6. The District Education Officer, West Champaran, District- West Champaran.
7. The Principal, District Education and Training Institute, Kumarbagh, Bettiah, District- West Champaran.
8. The District Programme Officer (Elementary Education and Sarv Shiksha Abhiyan), West Champaran, District- West Champaran.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 2585 of 2018

1. The Bihar Rajya Prarambhik Shikshak Sangh, Block Kutumba, District-Aurangabad through its Vice President Nirbhay Kumar Singh Son of Mritunjay Kumar Singh Resident of Village-Hardiya, P.S.-Kutumba, Distt.-Aurangabad.
2. Santosh Kumar Son of Nagnath Singh Resident of Village-Amba, P.O.+P.S.-Amba and Distt.-Aurangabad (Active Member of The Bihar Raiya Prarambhik Shikshak Singh)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources, Development, Government of Bihar, Patna.
2. The Director, Bihar Education Project Council, Govt. of Bihar, Patna.
3. The Director, Primary education, Govt. of Bihar, Patna.
4. The District Magistrate, Aurangabad.
5. The District Education Officer, Aurangabad.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 2614 of 2018



-
-
1. Surya Kant Gupta S/o Sri Sita Ram Prasad R/o Village - Dhekwaha, P.S. - Islampur, District - Nalanda.
 2. Ramkhelawan Prasad Mahto S/o Late Chhathu Mahto resident of Village - Dighaut, P.S. - Sikandara, District Jamui.
 3. Manoj Kumar S/o Late Dhruw Deo Prasad Singh R/o Mahatma Gandhi Nagar, Kanti Factory Road, P.S. - Agamkuan, District - Patna.
 4. Dr. Namrata Anand D/o Mr. Anil Kumar Verma R/o Vishnupuri, P.S. - Gardanibagh, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The Director (Primary Education), New Secretariat, Patna.
4. The Director Research and Training Department of Education, Government of Bihar, New Secretariat, Patna.
5. The State Project Director, Bihar Education Project Council Saidpur, Rajendra Nagar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2977 of 2018

1. Rajeev Kumar, Son of Shyam Nandan Sharma, Resident of Village-Srichandpur, P.S. Harnaut, District-Nalanda at Present Posted on the Post of "Assistant teacher' at Upgrade Middle School, Dwarika Bigha, District-Nalanda.
2. Ravi Shankar Prasad, Son of late Yadunandan Mahto, Resident of Village + P.O.-Gonama, P.S.-Harnaut, District-Nalanda, at Present Posted on the Post of "Assistant Teacher' at Primary School, Mohmodabad, Block-Bind, District-Nalanda.
3. Shashi Kiran Kumar Chaudhary, Son of Sri Brij Nandan Chaudhary, Resident of Village-Sharifabad, P.O.-Atma, P.S.-Islampur, District-Nalanda, at Present Posted on the Post of Assistant Teacher at Karya Middle School, Korai Parsurai, District-Nalanda.
4. Shiv Shankar Nath, Son of Baidya Nath Prasad, Resident of Village + P.O.-Pahari, P.S.-Agam Kuan, District-Patna, at Present Posted on the Post of "Assistant Teacher" Primary School, Kanholi, Korai Parsurai, District-Nalanda.
5. Abhay Kumar Arya, Son of Sri Nathu Prasad, Resident of Village + P.O.-Narsanda, P.S.-Chandi, District-Nalanda, at Present Posted on the Post of "Assistant Teacher" at Primary School, Sagarpar, Harnaut, District-Nalanda."
6. Raj Kumar, Son of Sri Chandeshwar Prasad, Resident of Jai Mahabir Colony, Sandalpur, P.O-Mahendru, P.S.-Bahadurpur, District-Patna, at Present Posted to the Post of "Assistant Teacher" at the Upgrade Middle School, Laluadih, Harnaut, District-Nalanda.



7. Ranjit Kumar, Son of Sri Kedar Prasad, Resident of Village/Mohalla-Ram Krishna Nagar, P.S.-Ram Krishna Nagar, District-Patna, at Present Posted to the Post of "Assistant Teacher" at Middle School, Deyawan, Korai Parsurai, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
2. The Director of Education, Human Resources Department, Govt. of Bihar, Patna.
3. The Director, State Council of Educational Research, and Training Govt. of Bihar, Mahendru, Patna.
4. The Director, Research and Training, Govt. of Bihar, Patna.
5. The District Education Officer, Nalanda at Biharsharif.
6. The District Programme Officer, (S.S.A.), Sarva Siksha Abhiyan, Nalanda at Biharsharif.
7. Bihar Education Project Council, through its State Project Director, Govt. of Bihar, Shiksha Bhawan, Rastrabhasa Parishad Campus, Saidpur, Rajendra Nagar, Patna.

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 3753 of 2018

=====

1. Ajay Kumar, S/o Sri Kapildeo Rai, R/o Village and P.O.- Narayanpur Dedhpura, P.S.- Mahnar, District- Vaishali.
2. Pankaj Kishore, S/o Sri Suresh Prasad Singh, R/o Village- Mahindwara, P.O.- Jandaha, P.S.- Mahanar, District- Vaishali.
3. Manoj Kumar Mishra, S/o Sri Braj Kishore Mishra, R/o Village- Bhataulia, P.O.- Gidha, District- Muzaffarpur working as Block Teacher Basic School, Balukaram Vaishali.
4. Shashi Kant Kumar, S/o Sri Shyam Narayan Singh, R/o Village- Phuladih, P.O.- Mansoorpur, District- Vaishali.
5. Laxamikant Kumar, S/o Sri Ambika Prasad, R/o Village- Mataiyan, P.O.- Madhopur Ram, P.S.- Vaishali, District- Vaishali.
6. Kameshwar Prasad Divakar, S/o Sri Yogendra Sah, R/o Village- Mataiyan and P.O.- Madhopur Ram, District- Vaishali.
7. Vinod Kumar Singh, S/o Sri Bhonu Singh, R/o Village- Narayanpur P.O.- Narayanpur, P.S.- Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resource Development, Bihar, Patna.
2. The Director, Primary Education, Department of Human Resource Development, Bihar, Patna.
3. The Director, Research and Training, Department of Human Resource Development, Bihar, Patna.
4. Bihar Education Project Council, Siksha Bhawan, Rashtrabhasa Parishad Campus, Saidpur, Rajendra Nagar, Patna through its Director.



5. The Director, Bihar Education Project Council, Siksha Bhawan, Rashtrabhasha Parishad Campus, Saidpur, Rajendra Nagar, Patna.
 6. The District Education Officer, Vaishali.
 7. The District Program Officer, (EE & SSA), Vaishali.
 8. The District Project Coordinator, Bihar Education Project Vaishali.
- Respondent/s

with
Civil Writ Jurisdiction Case No. 3338 of 2018

1. Ranjeet Kumar, Son of Late Ram Sagar Singh, Resident of Village- Bihat, Tola- Maksaspur, P.S.- Barauni, Distt- Begusarai.
 2. Ram Kumar, Son of Dev Narayan Sah, Resident of Ward No.09, Rahika, P.S.- Rahika Distt & Town, Madhubani.
- Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
 2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
 3. The Director Primary Education Department, Govt. of Bihar, Patna.
 4. The Bihar Education Project Council through the State Project Director.
 5. The State Project Director the Bihar Education Council Bihar, Patna.
- Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Rajendra Prasad Singh, Sr. Advocate Mr. Mrigank Mauli, Advocate Mr. Chakrapani, Advocate Mr. Abhinav Shrivastva, Advocate Mr. Sandeep Kumar, Adcoate Mr. Prince Kumar Mishra, Advocate Mr. Saket, Advocate Mr. Amrendra Kumar, Advocate
For the BEPC	:	Mr. Lalit Kishor, Sr. Advocate Mr. Grijish Kumar, Advocate
For the State	:	Mr. Madhaw Prasad Yadav -G.P-23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
CAV JUDGMENT

Date : 16-05-2018

Even after 70 long years of independence, we are still passing through the process of trial and error in the matter of deciding policy to improve education system. In furtherance of the total literacy campaign and to workout mechanisms for



improvement of the education system at elementary level, the Bihar Education Project Council has issued guideline from time to time and prescribed qualification and other conditions for executing their key project of spreading education through the machinery of block for which Block Resource Person and Convener Cluster Resource Centre have been created. (hereinafter referred to as the BRP and CRCC for brevity).

2. This batch of writ petitions have been filed by the teachers whose job is to primarily impart instructions, seeking indulgence of the Court either for retention of their service as BRP or CRCC, in addition thereof they are challenging the 2017 Guideline so that they may also compete for re-selection or selection as BRP and CRCC.

3. Earlier on 9.3.2018 Mr. Lalit Kishore, Advocate General had submitted to the Court that similar matter is pending before the Division Bench in CWJC No. 1134/2018. On 29.3.2018 the Division Bench comprising Hon'ble the Chief Justice and Hon'ble Mr. Justice Rajeev Ranjan Prasad has clarified that the issue involved does not relate to validity of statutory rule and as such relegated the parties before this Court and thereafter arguments have been advanced on behalf of the parties.



4. In all the writ applications petitioners have challenged the legality and validity of 2017 Guideline for selection of BRP and CRCC. For the purpose of deciding the present batch of writ applications, it is useful to refer to the pleadings in CWJC No. 497 of 2018, which has been taken as lead case for hearing the batch of writ applications challenging the validity of the Guidelines 2017.

5. The petitioners have challenged the Guideline, 2017 and prayed for quashing of sub-clause (Cha) of Clause 2.2.1 of Guidelines for selection of Block Resource Person for Block Resource Centre and Convener Cluster Resources Center. Their challenge is with reference to the condition incorporated in the Guideline with regard to educational qualification and other eligibility for selection. Referring to the conditions they have pleaded that the 2017 Guideline is confined to the selection from amongst teachers of District Cadre having M.A., M.Sc., M.A. B.Ed. degree and only in the absence of District Cadre Teacher, Trained Graduate Cadre Teachers have been made eligible for selection. The petitioners have also challenged the validity of Sub-Clause (Cha) of Clause 3.2.1 of the Guideline, whereby teachers, who have earlier worked or working as CRCC or BRP have been declared ineligible for re-selection. The petitioners have also



challenged the condition incorporated in Clause 3.2.2 of the 2017 Guideline, whereby restrictions have been made to the selection of only District Cadre Teachers and only in the absence of District Cadre Teachers, Trained Graduate Teachers were held eligible for selection as CRCC.

6. In the pleading they have contended that 2017 Guideline as introduced is discriminatory, arbitrary and unreasonable and without any rational justification. The Guideline for 2013 was substituted without any jurisdiction and as such it is arbitrary. Their contention in the writ petition is that there is no difference between District Cadre Teachers and other teachers and as such the Guideline 2017 suffers from the vice of arbitrariness, unreasonableness, vagueness and while prescribing the eligibility criteria they have coined to tailor made criterion to oust the petitioners and alike, they have also challenged the action of the respondents prescribing the guideline which discriminates the teachers between the teachers of District Cadre and other teachers. In the pleadings they have highlighted that the Guideline, 2017 offends Article 14, 19 and 21 of the Constitution of India and there is no rational relation between the object for which they have made a classification of the District Cadre



teachers distinguished from other category of teachers with the object, which they sought to achieve by such classification.

7. In almost all the writ applications, the pleadings are on the same line, however, for precision and clarity, the Court wishes to take into consideration some of the pleadings of the batch of writ applications where they have highlighted the challenge as to the policy decision and other action of the respondents. In CWJC No. 1463 of 2013 a prayer has been made for quashing Annexure 3 the communication dated 19.12. 2017 contained in letter number 9753 whereby the Bihar Education Project Council has issued direction to the District Education Officers and the District Programme Officers of different districts to initiate process of selection of Block Resource Person and Cluster Resource Centre Co-ordinator. In the said writ petition on similar lines they have challenged the validity of 2017 Guideline and pleaded that while amending the 2013 Guideline in the matter of appointment of Block Resource Person and Cluster Resource Centre Coordinator, they have not taken into consideration any relevant criteria for making a departure. The whole object behind formulating 2017 Guideline is to create a different class out of the teachers and to extend undue favour to a class of people without following the principles of classification as the twin test of reasonable classification that is



intelligible differentia for the classification and rational nexus to the object sought to be achieved by such reasonable classification is totally lacking in this case.

8. In CWJC No. 1545 of 2018 in addition to the challenges to 2017 Guideline, petitioners have pleaded that they are entitled to complete five years tenure and only thereafter they may be removed from the position of Block Resource Person or Cluster Resource Convener. In other writ applications also they have challenged the 2017 Guideline for selection of Block Resource Person and Cluster Resource Convener on the ground that the so-called policy decision in formulating the Guideline, 2017 is not based on any scientific research, but it is only figment of imagination of certain person having no expertise. They have also submitted that the whole idea behind 2017 Guideline is to oust the Niyojit Shikshak from the zone of selection and the Guideline is designed to make room for selection of only District Teachers Cadre. Their pleading is on the line that before altering the Guideline 2013 they were required to work out with authentic material that 2013 Guideline has failed to achieve its objective and as such there is need to change the Guideline and to introduce new eligibility criteria. Their contention as per pleading appears to be for challenge of Guideline 2017 is arbitrary and unreasonable



exercise of power and not consistent with Articles 14 and 16 of the Constitution of India.

9. In support of the writ applications, Mr. Prasanth Kumar Shahi, learned senior counsel appearing on behalf of the petitioners contended that the change in the eligibility criteria is arbitrary exercise of power as it is only designed to oust the petitioners from the zone of consideration. He submitted that the decision to oust the petitioners and others, who have worked as Block Resource Person or Cluster Resource Coordinator and are eligible for re-selection, is arbitrary as by rendering them ineligible for re-selection would amount to not only depriving them to serve the project with their wide experience in the project act as Block Resource Person or Cluster Resource Coordinator but to stigmatise them as incompetent. Mr. Shahi highlighted that the change in the eligibility criteria is not for any betterment but only to render the petitioners ineligible for re-selection. He submitted that there is no qualitative difference between the teachers working in the District Cadre schools and other schools. Referring to the facts and circumstances of the case and the pleading he submitted that there is no reasonable classification as the classification of District Cadre Teachers and other category of teachers is not based on any intelligible differentia. He also



submitted that the classification has no rational relation to the object sought to be achieved by this kind of classification as they are not going to be any way benefited by classification and no object they are going to achieve by such classification and as such the classification adopted by the respondents in ousting the petitioners and coining a criteria which is made to oust the petitioners does not satisfy the test of reasonableness under Article 14 of the Constitution of India.

10. He submitted with reference to materials available on the record that the respondents were not justified in introducing new criteria unless there is a specific study and report that the earlier Guideline has failed to achieve the desired result and on account of the failure of the 2013 Guideline they have made a research/study to come to a conclusion that introducing the new guideline may improve the system and they may achieve the desired objective. Mr. Shahi also highlighted that petitioners have been appointed in the project for a fixed tenure and as such without completing the tenure, any attempt to appoint Block Resource Person and Cluster Resource Coordinator and to remove the petitioners is illegal and arbitrary.

11. Mr Rajendra Prasad Singh, learned senior counsel appearing on behalf of the petitioners submitted that the action of



the respondents is violative of Article 14 of the Constitution of India. He submitted that the advertisement in furtherance of 2017 Guideline offends Article 14 of the Constitution as it defeats the right of petitioners as candidate for consideration inherent in Articles 14 and 16 of the Constitution. Mr. Singh submitted that although they have no vested right but since they have been engaged and appointed as Block Resource Person and Cluster Resource Coordinator and as such they have acquired a status and depriving the status as Block Resource Person and Cluster Resource Coordinator violates Article 14 of the Constitution. He submitted that the respondents have not taken into consideration the experience aspect which is relevant for the success of any project and the petitioners who have worked and carried the objective of the project by their exemplary work and excellent performance, ought to have been considered for re-appointment/re-selection as Block Resource Person and Cluster Resource Coordinator. Mr. Singh also submitted that there is absolutely no material to justify a switch over from 2013 Guideline to new Guideline of 2017 as there is no research or study that Block Resource Person and Cluster Resource Coordinator selected under 2013 Guidelines have failed to perform their duty in furtherance of the objective of the scheme



and as such there is no justification to exclude the category of teachers who were earlier considered eligible for the purpose of appointment of Block Resource Person and Cluster Resource Coordinator.

12. Mr. Mrigank Mauli, learned counsel appearing on behalf of the petitioners submitted that in the instant case they have not challenged the policy as such but the petitioners have challenged the action of framing of guideline which is tailor made guideline to oust a class of teacher and only confined to selection to the teachers of District Cadre. Such action is illegal and arbitrary. Reference to the judgment which the respondents have cited to contend that court should not interfere in such decision, he submitted that the case on which the respondents have relied upon that is CWJC No. 1589 of 2013 is distinguishable on fact. The Block Resource Person and Cluster Resource Coordinator are entitled to continue till the tenure is not complete. Referring to the judgment reported in **2007 (4) PLJR 664**, he submitted that in the instant case the issue is discrimination and as such the court has to consider the writ application from the point of arbitrariness and discrimination meted out to the petitioners in the matter of selection of Block Resource Person and Cluster Resource Coordinator.



13. Mr Chakrapani, learned counsel appearing on behalf of the petitioners submits that by depriving the petitioners from the zone of consideration the petitioners have suffered loss and as such respondents' action is arbitrary.

14. Mr Abhinav Shrivastava, learned counsel appearing on behalf of the petitioners while highlighting the arbitrariness, has submitted that for testing the validity of the policy decision the court is required to examine firstly, on the ground of classification whether the classification is based on reasonable criterion and whether any objective they are going to achieve by such classification. Referring to the present case he submitted that there is no reasonable classification and in any event there is no rationality behind such classification as the respondents are not going to achieve any objective by such classification. Referring to the judgment of the Apex Court he submitted that the policy decision has to be tested at the touch stone of the principle laid down in the case of *The Barium Chemicals Ltd. and Anr vs The Company Law Board and Others: AIR 1967 Supreme Court 295*. He also submitted with reference to the judgment of the Apex Court in the case of *Tata Cellular v. Union of India: AIR 1996 Supreme Court 11* that the Court has to see in the decision making process whether there was any



justification behind such a departure from 2013 Guideline to the Guideline of 2017. He also highlighted that the court has to see in the challenge of validity whether it was designed to introduce disqualification and what is the objective behind incorporating disqualification as a whole for a class of the teachers from the zone of consideration. Referring to the totality of the facts of the case he submitted that the Court is required to understand the idea behind the challenge in 2017 Guideline.

14. Mr Sandeep Kumar, learned counsel appearing on behalf of the petitioners has submitted that the 2017 Guideline defeats legitimate expectation.

15. During the course of hearing on behalf of the respondents argument was advanced by Mr. Girijish Kumar that the action of the Bihar Education Project in fixing the new Guideline 2017 is not illegal, arbitrary or violative of Article 14 and 16 of the Constitution of India. Mr Girijish Kumar referring to the various paragraphs of the counter affidavit and supplementary counter affidavit submitted that the respondents have acted on the basis of the feedback that the performance of the Block Resource Persons and Cluster Resource Coordinator is not upto mark and as such a decision was taken to introduce the 2017 Guideline.



16. After concluding argument, Mr Grijish Kumar submitted that in this case Mr. Lalit Kishore, Advocate General will further assist the court and as such in order to facilitate Mr. Lalit Kishore, learned Advocate General to argue in the matter, the case was adjourned for 17.4. 2018 for further hearing to facilitate the Advocate General to make submission. Mr. Advocate General appeared on that day and he submitted before the court that he has nothing to add and he proposes to file written notes of argument.

17. On behalf of the Bihar Education Project the written notes of argument was submitted by Mr. Girijish Kumar, which reads as follows:-

“1. It is stated that before 07.09.2012 Bihar Education Project Council (BEPC) was empowered under scheme to issue executive instruction/guideline and fixed educational qualification, criteria for selection etc. of BRPs and CRCs. In exercise of that power the BEPC issued different guidelines/instructions in years 2005, 2007 and 2011 respectively.

2. From 07.09.2012 the scheme of selection of selection of BRPs and CRCs had been taken by the State Government as a matter of policy from the BEPC and it was handed over to the Directorate, Research and Training. From 07.02.2012 Directorate, Research and Training empowered under scheme to issue executive



instruction/guideline and fixed qualification and criteria for selection of BRPs and CRCs. In exercise of that power the Directorate, Research and Training issued their own new executive instructions/ guidelines in years 2013, within 1 year in place of earlier executive instructions/guidelines issued by the different department i.e. BEPC in the year, 2011. Term mentioned in the said guideline, tenure of selection, experience for selection etc.

3. Again vide letter dated 17.09.2014 (Annexure-A) the State Government transfer the scheme to the Bihar Education Project Council (BEPC) and made empowered them vide letter dated 17.04.2014 to issue fresh executive instruction/ guideline and fixed qualification and criteria for selection of BRPs and CRCs. In exercise of that power the BEPC issued its own new executive instructions/ guideline in years 2017 after three (3) years from the date when BEPC empowered to issue such executive instruction/ guideline. Moreover, vide letter dated 10.03.2017 (Annexure-L) directed all the district office of District Education Officer as well as the District Programme Officer, SSA of the State of Bihar than the selection of BRPs and CRCs should not been made on the vacant post unless instructed by the department.



4. The qualification, tenure of selection, experience for selection of BRPs and CRCs as per executive instructions/ guideline, 2017 issued by the BEPC are different from the executive instructions/ guideline, 2013 issued by the another department i.e. Directorate, Research and Training.

5. However, earlier in the year 2005, BEPC issued executive instructions/ guideline in which it was categorically mentioned that the person once assigned the work cannot be eligible for the consecutive (next) term, meaning thereby any person once engaged can not be engaged for the next consecutive term. Hon'ble Court in its order dated 16.05.2012 passed in CWJC No. 450 of 2012(Annexure-C) and analogous cases in page "12" of the said judgment taken note of that.

6. Also in the executive instruction/ guideline, 2011(Annexure-B) there was same provision that the person once assigned the work can not be eligible for the consecutive (next) term, and minimum teaching experience of 5 year and Hon'ble Court in its order dated 16.05.2012 passed in CWJC No. 450 of 2012 and analogues cases not interfere with the said condition though writ petitioner of that case attacked on the said provisions. Division Bench in LPA no. 941 of 2012 also vide its order dated 10.07.2012(Annexure-D) not interfere with the



and affirmed that there is no illegality of the condition by which any person once engaged is not eligible for the consecutive two terms and minimum teaching experience of 5 year, the same is not suffer from any legal infirmity.

7. This Court till Division Bench affirmed earlier that there is no illegality if the person once selected not eligible for next term. In all previous executive instructions/ guideline issued by the BEPC there was consistent view taken which completely bar for the incumbent for selection of two term consecutively. However, the executive instructions/ guideline, 2013 not issued by the BEPC rather issued by another department the i.e. Directorate, Research and Training in which there was no bar for consecutive selection and also introduced 3 years teaching experience instead of 5 years from whom the scheme has been taken in the year 2014.

8. However, by the executive instruction/guideline, 2017 as a matter of Policy BEPC went one step forward and incorporated the condition that the once person is selected is bar from selecting in future, however, the teaching experience is remain the same i.e. 5 years which was also incorporated by the previous executive instructions/guideline of the year 2005 and 2011 issued by BEPC and there is no change in it. Also Ministry of Human



Resource Development Department, Government subsequently directed to all the State Government that State must focus on the improved selection criteria for the coordination and faculty of BRC and CRCs and they should be professionally qualified and have at least five years teaching experience. New qualified teaching having minimum teaching experience of 5 years is to get the experience as BRPs and CRCs, and bar from further selection so that any teacher may not be out from the class room teaching work for long so that there efficiency may not be affected as teacher and such reasoning or submission affirmed by this Court earlier. Executive instructions/guideline, 20/17 uniformly apply in respect of all/ the teachers and there is no discrimination or arbitrariness, those teachers who have earlier selected is ineligible to be selected again and there is no discrimination among earlier selected teachers for post of BRPs and CRCs. Even otherwise arbitrariness be seen by the writ court in the context of violation of either legal right or statutory right or fundamental right of the person aggrieved, or in violation of any constitutional or statutory provisions, not otherwise.

9. That earlier also there was provision for eligible educational qualification for selection of BRPs and CRCs, however, considering the



Bihar Special Primary Teacher Appointment Rule, 2010 the introduced the “Zila Samvarg” in the executive instructions/guideline, 2017. Also considering the Bihar Panchayat Primary Teacher (Niyojan and Service Condition), Rule, 2012 introduced the Basic Grade of Block and Panchayat Teacher and Graduate grade of the Block level. As per the qualification of the teacher they are eligible to be selected. The BEPC not debarred any particular teacher for selection they are eligible as per their educational qualification, however, higher qualification has been given preference. It is fact that in different review meeting of the State the percentage of school monitored by them in different districts was not encouraging or satisfactory despite repeated directions for improving the monitoring.

10. BRPPs and CRCCs were selected among teachers and it is admitted position which have not been disputed by either of writ petitioners that the BRPs and CRCCs are not substantive post of the teacher and this is a tenure assignment under the scheme without any consideration or emoluments or any financial benefit, and such post are not the Civil post under the State. Once the tenure of BRPs and CRCs completed or they removed from such tenure post for whatever the reason they come



back to the original or substantive post of teacher.

11. Therefore, there is no legal or statutory right of the petitioners is being threatened by said guideline. Therefore, it is improper on the part of the petitioners to claim to get selected as BRP/CRCC as a matter of right. The said guideline issued by the executive as a matter of policy to provide or supervised for providing quality education to the Children of the State of Bihar. It is mechanism developed to supervise or monitor the basic education and provide auxiliary support to the elementary education as per their requirement.

12. Writ application under Article 226 of the Constitution is not maintainable at the instance of the writ petitioners, it is settled law of the land that it is condition precedent for maintainability of writ application that there must be violation of Fundamental right or legal right or statutory right of the person aggrieved, otherwise writ application under Article 226 of the Constitution of India is not maintainable at the instance of petitioners. Petitioners have no locus standi to challenge the validity of executive instructions/guideline, 2017 in writ application particularly when there is no violation of their legal or statutory rights.

13. This Hon'ble Court vide order dated 14.02.2014 passed in CWJC No. 21055 of



2011, CWJC No. 1489 of 2014 dated 12.03.2014 and order dated 22.04.2015 dismissed the writ application filed by the BRP and CRCC and held that these are not the substantive post, therefore, no statutory right or legal right of the petitioner is threatened, therefore, the writ petition is not maintainable.

14. That it is stated that the said executive instruction/guideline, 2017 issued by the BSPP which is an executive instruction/guideline as a matter of policy is not contrary to any constitutional or statutory provisions. That the said Guideline of selection of Block Resource Person for Block Resource Centre and Cluster Resource Centre Coordinator for Cluster Resource Centre, 2017 is legally valid and enacted by the competent Authority, i.e. BEPC, does not suffer from any legal infirmity. It is settled law that the Court generally do not interfere with policy decision unless such decision are contrary to Constitutional or Statutory provisions.

15. There is no case of the writ petitioners that this instructions/guideline, 2017 issued by BEPC is contrary to any Constitutional or Statutory provisions or there is any legal right or statutory right is being threatened or if they would be removed then they will be loser in their post or financial benefit attached to this post. Writ petitioners failed to prove that such



executive instruction/guideline, 2017 is contrary to any Constitutional or Statutory provisions.

16. That the earlier executive instruction/guideline, 2011 issued by BEPC in respect of selection of BRPs and CRCs challenged before the Hon'ble Court and Division Bench of this Hon'ble Court vide order dated 10.07.2012 passed in LPA No. 941 of 2012 held that court generally do not interfere with policy decision unless such decision are contrary to Constitutional or Statutory provisions. The earlier executive instruction/guideline, 2011 issued by BEPC as a matter of policy and affirmed by the Division Bench of this Court that it was not suffered from any legal infirmity.

17. In the present case also instructions/guideline, 2017 issued by BEPC is not contrary to any Constitutional or Statutory provisions and admittedly not threatened any legal right or fundamental right or statutory right of the writ petitioners, therefore, writ petitions are not maintainable at the instance of writ petitioners, and also in view of earlier judgment rendered by Hon'ble Single Judge and Division Bench of this Hon'ble Court on the same subject matter. In respectful stand that the interference of the writ court may not require in the instant writ applications in such



policy decision taken by BEPC in light of settled law.”

18. On consideration of the rival submissions of the parties and on consideration of the written notes of argument of the respondents, the court comes to the conclusion that following questions require consideration and answer in this case:-

1. Whether 2017 Guideline is based on policy decision?
2. Whether the decision to change the eligibility criteria can be termed as policy decision?
3. Whether the respondents are justified in ousting the present incumbents from re-selection and from the zone of selection?
4. Whether the action of the respondents is arbitrary and violative of article 14 and 16 of the Constitution of India?
5. Whether the petitioners as teachers have any indefeasible right to deputation as Block Resource Persons and Cluster Resource Coordinator?
6. Whether respondents are competent to prescribe eligibility criteria according to their own sweet will or it should be based on some scientific research Data on the working of the Block Resource Person and Cluster Resource Coordinator and on the failure in achieving the objective and also research and study how to improve the mechanism to yield better results?



7. Whether the introduction of new guideline is in furtherance of improvement of the system?

8. And lastly the scope of judicial review in such matter.

19. In this case at the relevant time the court called for the original records and voluminous records were produced before this court and at the time of closure of hearing records were produced and on the basis of scrutiny of different deliberations which were kept in the file, the court came to a conclusion that the deliberations, which were allegedly the basis of change in the policy decision of the guideline, is not practical assessment of the entire working, but change is on the basis of scant and stray report and not on meticulous assessment of the performance of the Block Resource Person and Cluster Resource Coordinator as a whole in achieving the objective for which the post of BRP or CRC existed.

20. On scrutiny of the materials, the Court does not find any material in the file which is based on any scientific research data or otherwise that by introducing a change and confining the selection to the District Teachers Cadre they will achieve the target of improvement. The change is not on the basis of any study or research but only as experiment.



21. The challenge as to reasonable classification and nexus to the object sought to be achieved, the court on a scrutiny of the materials, is of the view that the classification is well founded as the regular teachers and the Niyojit Teachers form two different classes. The submission of the petitioners with reference to the judgment in the ***Bihar Secondary Teachers Struggle Committee, Munger Vs The State of Bihar & Ors. in CWJC No. 21199 of 2013*** and analogous cases does not improve the case as that judgment was rendered by the Division Bench only for the purpose of 'equal pay for equal work' and it cannot be taken as a judgment to conclude that the Niyojit Shikshak and regular teachers formed the same class for the purpose of other benefits including for the purpose of deputation as Block Resource Persons and Cluster Resource Coordinator.

22. On consideration of the entire materials available on the record the court is of the considered view that all that the petitioners were claiming in the present batch of writ applications is that they are entitled to be considered for the deputation and selection and reselection for deputation as Block Resource Person and Cluster Research Coordinator. The court is of the considered view that the right to deputation is not a right enforceable unless the statutory rule and service condition prescribes deputation as a



matter of course. The deputationist has neither any right to continue on deputation nor they can claim, as a matter of right, that they should be sent on deputation. It is for the Department where the deputationists are working and it is the Department which may decide whether there is need to take such people on deputation. However, in the matter of selection and appointment or deputation the respondents are required to act reasonably and not to violate Articles 14 and 16. Their challenge that no objective is achieved by such classification is a grey area as from the original file in certain cases there is discussion that in certain cluster and at certain block the performance is not upto mark. Trial and error is the method adopted in the educational system and in view of the above the Court does not find any substance in the submission of the petitioners that the respondents cannot switch over to a new guideline for improvement in the working of the system. Their contention that the Niyojit Shikshak are no way inferior and incompetent for the purpose of furtherance of the project, does not require any adjudication in the present case for the reason that the Court does not find that by ousting them from the zone of selection any stigma is cast on their quality or their performance. In trial and error system authorities are adopting alternatives to explore the best possible system to yield better



results and as such the court does not find any justification to interfere in the policy decision of 2017. It is to be kept in mind that there is difference between absolutely no material and scant material. Adequacy or inadequacy is not a material to be looked into in the decision making process in exercise of judicial review under Article 226 of the Constitution of India.

23. Adverting to the submission of Mr. Rajendra Prasad Singh, Sr. Counsel appearing for the petitioners, the court finds that a teacher is a teacher and his deputation and selection as Block Resource Persons or Cluster Resource Coordinator will not confer him status to continue on the post. It is for definite period and after that they are required to revert back to their original place from where they have been selected for posting as Block Resource Person and Cluster Resource Coordinator. In view of the above, the court is unable to approve the submission of Mr. Singh that it has adversely affected the status of the teachers.

24. The Court also does not find any substance in the submission of the writ petitioners that they have a right to reselection. The submission that the Niyojit Teachers in the graduate scale are only eligible, if there is no eligible teacher available in the District Cadre does not make the 2017 Guideline as illegal and arbitrary also does not merit any consideration as the



Court finds that it is the prerogative of the employer and there is no arbitrariness in the decision.

25. Adverting to the submission of Mr Sandeep Kumar that it defeats the legitimate expectation, the court finds the submission unsustainable in the instant case for the reason that reasonable expectation is a procedural safeguard and it is only designed to protect in a given situation where there is a long line of practice which is sought to be altered by the Department. The court does not find in the present case that the practice is in vogue since long and as such the court does not approve the submission of Mr. Sandeep Kumar challenging the change in the guideline on the ground of legitimate expectation particularly in the area where the issue involves the deputation of the category of teacher for selection and posting as Block Resource Persons or the Cluster Resource Coordinator.

26. The submission of Mr Chakrapani does not merit any consideration as in the instant case parties have conceded that on deputation the teachers are not entitled to any monetary benefit which they are going to suffer on account of rendering them ineligible for re-selection or rendering them ineligible for selection. In any view of the matter, the court finds that the original position of the teachers as Niyojit Teachers is not



adversely affected and as such they cannot claim that they should be retained in the project as Block Resource Person and Cluster Resource Coordinator. From the material available on the record the court is not inclined to accept the submission as the deputationists have no right to continue on the post of deputation.

27. So far as the submission of Mr. Abhinav Shrivastava is concerned, when he challenged the Guideline 2017 on the ground of lack of justification and basis for change with reference to the judgment in Bariam Chemical (supra) and his submission at the touch stone of Tata Cellular (supra) for challenging the decision making that in framing of Guideline 2017, the court finds some substance that policy decision has certain distinctive feature, every decision does not partake the character of policy decision; policy decision presupposes study, research, scrutiny of data of past working and study how to improve the working. In the instant case the court does not find any such consideration as to material of failure of entire system while discarding 2013 Guideline and adopting 2017 Guideline. However, the file do indicate that at certain block and cluster the performance was not upto mark and on that basis the respondents have made a departure and introduced 2017 Guideline. Hence, the court finds that in such a



situation the scope of judicial review as to adequacy or inadequacy of material is not available.

28. Although the Court does not find proper justification for change in 2013 Guideline and material to introduce 2017 Guideline with the change in the eligibility criteria but having regard to the totality of the facts situation, the Court is of the view that the scope of judicial review in policy matter is limited, only at the touch stone of Article 14 of the Constitution. On deeper scrutiny of the entire materials, the Court is of the view that the decision is a part of the experiment based on trial and error and not founded on scientific research, scrutiny of data as to failure of the old guideline and prospect of success of 2017 Guideline, yet in the totality of the facts situation when it does not defeat any valuable right of the petitioners as their right as Niyojit Shikshak stands intact, the Court is not inclined to interfere with the decision of the Bihar Education Project by introducing 2017 Guideline. In the totality of the facts situation, the court hope and trust that henceforth the State and its instrumentalities will focus on scientific research, collection of data, scrutiny of data and due deliberation while introducing new guideline.

29. In the peculiar facts and circumstances the Court finds that there is no monetary loss even if in the midway the Block



Research Person and Cluster Resource Co-ordinator are reverted back to their original post as Niyojit Shikshak. As the petitioners have no right to retain the post, the Court does not find any justification to interfere and restrain the respondents from reverting back the petitioners to their original position.

30. In the results, the writ applications are dismissed.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	17.4.2018
Uploading Date	17.05.2018
Transmission Date	

