

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3581 of 2018

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Nilam Kumari, Wife of Praween Kumar, Resident of Village-Harlochandpur Sukki
P.S. Patepur, District-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Education Officer, Vaishali at Hajipur.
4. The District Programme Officer, (Establishment), Vaishali at Hajipur.
5. The Block Education Officer, Lalganj, District-Vaishali at Hajipur.
6. The Headmaster, Middle School, Astipur, Hajipur, District-vaishali.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 3607 of 2018

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Nutan Kumari, Wife of Late Sunil Kumar Singh, Resident of Village & P.O.-
Ghatari, P.S.- Karataha, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Education Officer, Vaishali at Hajipur.
4. The District Programme Officer, (Establishment), Vaishali at Hajipur.
5. The Block Education Officer, Lalganj, District-Vaishali at Hajipur.
6. The Headmaster, Primary School, Ghatari Girls, Lalganj, District-vaishali.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 4409 of 2018

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1. Sanjiv Kumar Singh Son of Lalan Prasad Singh Resident of Village and Post -
Bihta, P.S. - Emadpur District - Bhojpur presently posted as Assistant Teacher,
Middle School, Jamira, Ara Muffasil (South), District - Bhojpur.
2. Birendra Kumar Singh Son of Late Harihar Prasad Singh Resident of Village -
Sakhuana, P.S. Sahar, District - Bhojpur presently posted as Assistant Teacher
Upgraded Middle School Semaria, Ara Muffasil South, District - Bhojpur.
3. Ram Sudarshan Singh Son of Haricharan Singh Resident of Village - Perhaps,
P.S. - Sahar, District - Bhojpur presently posted as Assistant Teacher Middle
School, Hasanpura, Ara Muffasil (South), District - Bhojpur.
4. Dr. Rajendra Prasad S/o Late Bhuneshwar Prasad Resident of Village
Megharia, P.S. Azimabad, Block - Agiaon, District - Bhojpur presently posted
as Assistant Teacher, M.S. Kulharia Balak, Koilwar, District - Bhojpur.
5. Pawan Kumar Son of Ramashish Prasad Resident of Village and Post Darihat
P.S. Ayar Kotha, District Rohtas, presently posted as Assistant Teacher,
Middle School Boys Kulhariya, Koilwar, District - Bhojpur.
6. Ajay Kumar Pathak Son of Braj Raj Pathak Resident of Pathakhauliya, P.S.
Naya Mahamadpur, P.S. Koilwar, Distt. Bhojpur, presently posted as Asstt.



- Teacher M.S. Kulhariya Balak, Koilwar, Distt - Bhojpur.
7. Dharmendra Kumar Singh S/o Lal Mohan Singh Resident of Chatar, P.S. Barachara, District - Bhojpur, presently posted as Assistant Teacher Middle School Boys Kulharia, Katihar, District Bhojpur.
 8. Shreemalarayan Pandey S/o Late Akhilesh Pandey Village - Sikaroul, P.S. Sikarahata, Distt. Bhojpur, Presently posted as Teacher, Middle School Lahathan, Piro, Distt. Bhojpur.
 9. Phulmuhamad Son of Md. Allaaddin Miyan R/o Village Koupa, P.S. Karakath, Distt. Rohtas, presently posted as Assistant Teacher Middle School Khangaur, Koilwar, Distt. Bhojpur.
 10. Md. Asharaf Ali Son of Md. Saparuddin Village Diliya, P.S. Chouri, Distt. Bhojpur, presently posted as Assistant Teacher, Primary School Diliya, Purvi Tola, Agaiwn, Distt. Bhojpur.
 11. Sudarshan Ram son of Jagdish Ram Village - Dev, P.S. Dev, Distt. - Bhojpur, presently posted as Assistant Teacher, Middle School Khangaur Koilwar, Distt. Bhojpur.
 12. Md. Samiullah Son of Md. Sahabuddin Village Diliya, P.S. Chouri, Distt. Bhojpur, presently posted as Assistant Teacher Upgraded Middle School Khanet (Agiwv), Distt. Bhojpur.
 13. Nand Keshwar Singh S/o Banwari Singh R/o Vill + P.O. Ekawari, P.S. Sahar, District Bhojpur presently posted as Headmaster Upgraded Middle School Bhaluni Block Agiwan, District Bhojpur.
 14. Jagnarayan Singh Son of Motilal Singh Resident of Village - Sahar, P.S. Sahar, District - Bhojpur, presently posted as Headmaster Upgraded Middle School Lasari, Block - Agiwan, Distt - Bhojpur.
 15. Satendra Prasad Sahi S/o Lalan Prasad Resident of Village Chandi, P.S. Chandi, District Bhojpur, presently posted as Assistant Teacher Girls Primary School Baliyara, Koilwar, Distt - Bhojpur.
 16. Mohan Lal S/o Chandramani Lal R/o Vill - Bhadawar, P.S. Chandi, Distt Bhojpur, presently posted as Assistant Teacher Middle School, Farahagpur, Koilwar, Distt - Bhojpur.
 17. Hare Ram Dubey S/o Ramakant Dubey R/o Vill - Sarangpur, P.S. Baraka Dumra, P.S. Ara Muffasil, Distt - Bhojpur presently posted as Teacher Upgraded Middle School Baratriya Ara Muffasil (North), District Bhojpur.
 18. Harendra Kumar S/o Jamuna Prasad Village - Bandhwa, P.S. Baraka Gauv, P.S. Tarari, Distt Bhojpur presently posted as Assistant Teacher Primary School, Gopalpur, Koilwar, Distt - Bhojpur.
 19. Ranjit Kumar Nirala S/o Baleshwar Ram Resident of Village - Bihta, P.S. Emadpur, P.S. Tarari, Distt - Bhojpur, presently posted as Assistant Teacher Girl Primary School Ratan Gauv, Koilwar, Distt Bhojpur.
 20. Chandra Bhushan Singh S/o Deo Prasad Singh R/o Station Road, Bandhan Tola, P.S. Ara Town, Distt - Bhojpur presently posted as Headmaster Middle School Baraka Dumara, Ara Muffasil North, Distt Bhojpur.
 21. Manu Mahesh Ram Son of Ruplal Ram resident of Village - Bangauti, P.S. Chouri, District - Bhojpur, presently posted as Assistant Teacher Upgraded Middle School, Kunjan Tola, Koilwar, District - Bhojpur.
 22. Kailash Prasad Son of Late Bishwanath Prasad resident of Mohalla - Shivganj Ara, P.S. Ara Town, District - Bhojpur, presently posted as Assistant Teacher Upgraded Middle School Sarimpur Sandesh, District - Bhojpur.
 23. Hareram Singh Son of Bhuneshwar Singh resident of Alipur, P.S. Ara Muffasil, District - Bhojpur presently posted as Assistant Teacher Primary School Karwan, Anushuchit Jati Tola, Ara Muffasil South, District Bhojpur.



24. Rajeev Kumar Son of Late Krishna Mohan Sinha R/o Gayatri Bhawan, Malabagh, P.S. Ara Town, Distt. Bhojpur, presently posted as Assistant Teacher, Primary School Nagopur, Ara Muffasil, North, Dist. Bhojpur.
25. Ratan Kumar Son of Ram Rekha Prasad R/o Anaith Mathiya, P.S. Nawada (Ara), Distt. Bhojpur, presently posted as Assistant Teacher, Middle School Akauna, (South), Udwantnagar, Distt. Bhojpur.
26. Nand Gopal Singh son of Sona Singh R/o Nayanagar, Old Police Line, Molabagh, P.S. Ara Town, Distt. Bhojpur, presently posted as Assistant Teacher Primary School Nagopur, Ara Muffasil (North), Distt. Bhojpur.
27. Aftab Alam Son of Huseen Ahmad R/o Village Baliganj, P.S. Ara Town, Distt Bhojpur, presently posted as Assistant Teacher Upgraded Middle School, Ithana (Barahara), Distt. Bhojpur.
28. Ashok Kumar Singh Son of Late Jagnath Singh Village Naragada, P.O. Balua, P.S. Piro, Distt. Bhojpur, presently posted as Assistant Teacher, Upgraded Middle School, New Basti Sohara, Barahara, Distt. Bhojpur.
29. Md. Salim Son of Md. Abdul Halim Village - Ramdeo Chapra, Post P.S. Ratanpur, Distt. Bhojpur presently posted as Assistant Teacher Urdu Primary School Tetariya, Ara Muffasil North Distt. Bhojpur.
30. Shamim Ahmad Son of Md. Maunaruiddin Village - Doulatpur, P.O. + P.S. Doulatpur, Distt. Bhojpur, presently posted as Assistant Teacher, Upgraded Middle School Math Baliya, Ara Muffasil (South), Distt. Bhojpur.
31. Md. Mumtaj Alam son of Abdul Rahman Village Mubarakpur, P.O. Gundi, P.S. Barahara, Distt. Bhojpur, presently posted as Assistant Teacher, Upgraded Middle School Itahana, Distt. Bhojpur.
32. Gotam Kumar Singh Azad Son of Dharmnath Singh Village - Bakhariya, P.O. Belaghat, Baluan, P.S. Ara Town, Distt. Bhojpur, presently posted as Assistant Teacher Primary School Belaghat, Ara Muffasil (South), Distt. Bhojpur.
33. Sangeeta Singh D/o Yogendra Prasad Singh Mohalla - Harijee Ke Hata, Ara, P.S. Nawada, Distt. Bhojpur, presently posted as Assistant Teacher, Primary School Ramapur Sanadiya, Ara Muffasil (South), Distt. Bhojpur.
34. Tripurari Kumar son of Brij Kishore Singh R/o Mohalla Rammotar Gali, Maharaja Hata, Ara, P.S. Nawada, Distt. Bhojpur, presently posted as Assistant Teacher, Upgraded Middle School, Semaria Barahara, Distt. Bhojpur.
35. Yogendra Prasad Singh Son of Late Baldeo Singh R/o Village - Bakhariya, P.O. Belghat Baluya, P.S. Town, District - Bhojpur, presently posted as Assistant Teacher, Upgraded Middle School, Baluya, Barahara, Distt. Bhojpur.
36. Md . Yahya Ansari Son of Ainul Haque Awarpur, Ara Town, P.S. Ara Town, Distt Bhojpur, presently posted as Assistant Teacher, Urdu Girls Primary School, Milkee, Ara, Distt. Bhojpur.
37. Niteshwar Kumar S/o Ram Phahal Singh Vill - Kahan Road, Pakari Ara, P.S. Ara Town, Distt Bhojpur, presently posted as Assistant Teacher Upgraded Middle School Beerpur, District Bhojpur.
38. Rajesh Kumar Gupta S/o Ramchandra Prasad R/o Anaith, P.S. Nawada, Distt Bhojpur, presently posted as Assistant Teacher Upgraded Middle School Mahakampur, Koilwar, Distt. Bhojpur.
39. Rabindra Prasad S/o Kashinath Prasad R/o Bazari Mahallah, Anaith Ara, P.S. Nawada, Distt Bhojpur, presently posted as Headmaster Upgraded Middle School Kasap, Udwantnagar, Distt - Bhojpur.
40. Umesh Prasad Singh S/o Late Ram Naresh Singh Resident of Village Kahathu, P.S. Jagdishpur, Distt Bhojpur, presently posted as Assistant Teacher Upgraded Middle School Lauhar Kala, Barahara, Distt Bhojpur.
41. Pramod Kumar Singh S/o Ram Prasad Singh R/o Vill - Baraka Lauhar, P.S.



- Barahara, Distt Bhojpur, presently posted as Assistant Teacher Upgraded Middle School Lauhar Kala, Barahara, Distt Bhojpur.
42. Jitendra Kumar Singh S/o Late Ram Das Singh R/o Vill - Chaumukha, P.S. Ara Muffasil, Distt Bhojpur, presently posted as Assistant Teacher Middle School Gundi Barahara, Distt Bhojpur.
 43. Satendra Kumar Singh S/o Late Ram Das Singh Resident of Vill - Chaumuka, P.S. Ara Muffasil, Distt - Bhojpur, presently posted as Teacher Middle School Chhenegaur, Barahara, Distt - Bhojpur.
 44. Kumar Arbind S/o Bake Bihari Rai Vill - Karma, P.S. Karakath, Distt - Rohtas, presently posted as Teacher, Middle School Nawada Ven, Udwantnagar, Distt Bhojpur.
 45. Md. Fahimuddin S/o Emamur Rahim Resident of Mohalla - Milki Anaith, P.S. Nawada (Ara), Distt - Bhojpur presently posted as Assistant Teacher Upgraded Middle School, Alipur, Ara South, Distt - Bhojpur.
 46. Ram Dhuman Ram S/o Late Bhuneshwar Ram Resident of Vill - Tasari, P.S. Tasari, Distt - Bhojpur, presently posted as Assistant Teacher Upgraded Middle School, Badhwa, P.S. Tasari, Distt - Bhojpur.
 47. Bijendra Kumar Singh S/o Chhathu Prasad Singh Village - Semari, P.S. Dawath, Distt Rohtas, presently posted as Assistant Teacher Upgraded Middle School Bakhariya, Ara Muffasil (North), Distt Bhojpur.
 48. Shakil Azam S/o Md. Idrish Chisti resident of Village - Dhandiha, P.S. Koilwar, Distt Bhojpur presently posted as Assistant Teacher Urdu Primary School, Chandi, Koilwar, Distt - Bhojpur.
 49. Chandrashekhar Singh son of Late Rupnarayan Singh resident of Village - Aleshi Tola, P.S. Barhara, Distt Bhojpur presently posted as Assistant Teacher Primary School Audan Rai Ke Tola, Anchal Barahara, Distt - Bhojpur.
 50. Rajesh Kumar Son of Rampravesh Singh resident of Village - Dhobi Ghat More Anaiyat, P.S. Nawada, Distt Bhojpur presently posted as Assistant Teacher Middle School, Bhadwar Koilwar, Distt - Bhojpur.
 51. Shyamjee Singh S/o Harihar Prasad Singh.
 52. Raj Kumar Thakur S/o Birda Thakur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Education Department, Govt. of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Education Department Bihar, Patna.
4. The District Magistrate, Bhojpur(Ara).
5. The Regional Deputy Director of Education, Patna Division, Patna.
6. The District Education Officer, Bhojpur(Ara).
7. The District Programme Officer (Establishment), Bhojpur, Ara.
8. The District Accounts Officer, Bhojpur(Ara).

.... Respondent/s

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Appearance :

(In CWJC No.3581 of 2018)

For the Petitioner/s : Mr. Vasant Vikas

For the Respondent/s : Mr. S.C. MISHRA- SC16

(In CWJC No.3607 of 2018)

For the Petitioner/s : Mr. Vasant Vikas

For the Respondent/s : Mr. JITENDRA KUMAR ROY NO-1 -SC13



(In CWJC No.4409 of 2018)

For the Petitioner/s : Mr. Sri Krishna Ranjan

For the Respondent/s : Mr. PRABHAKAR JHA -GP27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
Date: 15-03-2018

Heard learned counsels for the petitioners and the counsels appearing on behalf of the respondents.

2. Learned counsels for the petitioners submit that the case of the petitioners is covered by the decision of this court in C.W.J.C. No. 2183 of 2016. On the other hand, learned counsels for the respondents submit that the case of the petitioners is distinguishable on fact.

3. Without going into the controversy whether the case of the petitioners is identical to the case on which they placed reliance or these cases are distinguishable on fact, all the three writ petitions is disposed of with direction to the Principal Secretary, Education Department who shall examine the case of the petitioners in accordance with law and in case the claim of the petitioners is covered by the decision of this court, the Principal Secretary will extend same benefit to these petitioners and in the event, the case of the petitioners is distinguishable on fact, the Principal Secretary is required to pass a reasoned speaking order.

4. The Principal Secretary, Education Department is expected to consider the case of the petitioners in the light of the



decision in C.W.J.C. No. 2183 of 2016 and pass appropriate order in accordance with law.

5. In the event the case of the petitioners is found similar to the case on which they placed reliance, the respondent Principle Secretary is required to see that all monetary benefit must reach the petitioners within a period of sixty days from the date of filing of such writ petition.

6. It is made clear that this court has not expressed any opinion on the merit of the case. It is for the Principle Secretary to examine the relevant record on the claim of the petitioners.

7. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.03.2018
Transmission Date	

