

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18908 of 2017

1. Kameshwari Yadav, son of Laxmi Yadav Resident of village - Rampurwa, Tola - Chapariya, P.O. + P.S. - Mainatand, District - West Champaran.
2. Vijay Kumar Choudhary son of Bachan Choudhary Resident of village - Sisai, P.O. Maldi, P.S. Dikesikarpur, Bettiah, District - West Champaran.
3. Kanhaiya Prasad son of Yogi Sah Resident of Village - Khamiya, P.O. + P.S. Inarva Bazar, District - West Champaran.
4. Raj Kishore Singh son of Kameshwar Singh Resident of Village - Kon Bazidpur, P.O. Kon Bazidpur, District - Samastipur.
5. Mahesh Singh son of Madhusudan Singh Resident of Village - Kon Bazidpur, P.O. Kon Bazidpur, District - Samastipur.
6. Tapeswar Singh son of Late Ruplal Singh Resident of Village - Kon Bazidpur, P.O. Kon Bazidpur, District - Samastipur.
7. Rakesh Kumar Raushan son of Late Rambilash Singh Resident of Village - Kon Bazidpur, P.O. Kon Bazidpur, District - Samastipur.
8. Bishnu Dev Kumar son of Jagdish Singh Resident of Village - Kon Bazidpur, P.O. Kon Bazidpur, District - Samastipur.
9. Raj Kishore Prasad Yadav son of Late Banka Prasad Yadav Resident of Village - Piparpati, P.O. Basta Bazar, P.S. Maina Tand, District - West Champaran.
10. Nagendra Thakur son of Bhagirath Thakur Resident of Village - Parsa, P.O. Marjadwa, P.S. Purushottampur, District - West Champaran.
11. Munna Hazra son of Late Rojhan Hazra Resident of Village - Tilangahi, Bahuarwa, P.O. Maina Tand, P.S. Purushottampur, District - West Champaran.
12. Kailash Raut son of Late Kumar Raut Resident of Village - Gobardhana, P.O. Kehunia, P.S. Shikarpur, District - West Champaran.
13. Birendra Yadav son of Singasan Yadav Resident of Village - Motipur (North Tola), P.O. Pakhnaha, P.S. Bairia, District - West Champaran.
14. Krishna Bihari son of Indrasan Bihari Resident of Village - Khiriya, P.O. Narkatiaganj, P.S. Shikarpur, District - West Champaran.
15. Maheshwari Yadav son of Banka Raut Resident of village - Rampurwa, Tola - Chapariya, P.O. + P.S. - Mainatand, District - West Champaran.
16. Rahim Ansari son of Mahamud Ali Resident of Village - Rampurwa, P.O. + P.S. - Mainatand, District - West Champaran.
17. Hafiz Mahmood Alam son of Atiullah Resident of Village - Rupwalia, P.O. Bheriharwa, P.S. Shikarpur, District - West Champaran.
18. Md. Imran son of Mokhtar Ahmad Resident of Village - Serhawaderaj, P.O. Jogid, P.S. Ramnagar, District - West Champaran.
19. Suresh Chandra Pal son of Gena Prasad Lal Resident of Village - Sisai, P.O. D.K. Shikarpur, District - West Champaran.
20. Md. Salauddin son of S.K. Samsuddin Resident of Village - Barwa Baroli, P.O. Mangrahan, P.S. Shikarpur, District - West Champaran.
21. Md. Fakhrul Hasan Ansari son of Kabir Ansari Resident of Village - Sisai, P.O. D.K. Shikarpur, P.S. Sikarpur, District - West Champaran.
22. Shiv Narayan Mahto son of Ram Swaroop Mahto Resident of village - Sisai, P.O. Maldi, P.S. D.K. Sikarpur, Bettiah, District - West Champaran.
23. Dinesh Kumar Prasad son of Kashi Nath Prasad Resident of Village - Gahiri, P.O. Gahiri, P.S. Nautan, District - West Champaran.
24. Muslim Mansuri son of Sahabuddin Miyan Resident of Village - Chhaurhiya, P.O. Chanayan Ban, P.S. Majhauhiya, District - West Champaran.



25. Makbul Alam son of Sk. Kamrul Haque Resident of At - Ansagawad, P.O. Bheriharwa, P.S. Shikarpur, District - West Champaran.
26. Binod Prasad Sah son of Gopal Prasad Sah Resident of Village - Madhuri, P.O. Gauripur, P.S. Mainatand, District - West Champaran.
27. Ameerka Prasad son of Late Mukhlal Sah Resident of Village - Khamiya, P.O. + P.S. Inarva Bazar, District - West Champaran.
28. Ranjit Kumar son of Raj Narayan Prasad Resident of Village - Semari Man, P.O. & P.S. Nawalpur, District - West Champaran.
29. Prabhu Prasad Patel son of Late Baidyanath Prasad Patel Resident of Village - Pakari, P.O. Dumariya (Estate), Via - Hari Nagar, District - West Champaran.
30. Ramesh Dher Dubey son of Fulena Dher Dubey Resident of Village - Sherahwa - Dakhwa, P.O. Muli, P.S. Shikarpur, District - West Champaran.
31. Ram Awadhesh Prasad Kushwaha son of Sri Mathura Prasad Kushwaha Resident of Village - Dhum Nagar, P.O. Narkatiyaganj, District - West Champaran.
32. Sanjay Kumar Singh son of Shiv Chandra Singh Resident of At - Pratappur, P.O. Gang Pipra, Via - Dhaka, District - East Champaran.
33. Manoj Kumar son of Late Bachcha Sah Resident of Village - Chakhni, P.O. Rajwatia, P.S. Bagha, District West Champaran.
34. Vinay Kumar son of Francis Thakur Resident of Village - Chakhni, P.O. Rajwatia, P.S. Bagha - 1, District West Champaran.
35. Vireshwar Nath Tiwary son of Krishna Nath Tiwary Resident of P.O. Bakulahar Math, P.S. Chanpatiya, District - West Champaran.
36. Rakesh Kumar Verma son of Late Bhagwati Prasad Verma Resident of Village - Maldahia, P.O. Narkatiyaganj, P.S. Shikarpur, District - West Champaran.
37. Ajay Kumar Verma son of Late Bhagwati Prasad Verma Resident of Village - Maldahia, P.O. Narkatiyaganj, P.S. Shikarpur, District - West Champaran.
38. Saroj Kumari daughter of Bachchu Pandey, wife of Prashant Kumar Resident of Ward No. 17, Arya Nagar, Ram Nagar, District - West Champaran.
39. Yadav Lal Prasad son of Shri Ram Bahadur Yadav Resident of Village - Nautan Khurd, P.S. Majhauriya, District - West Champaran.
40. Anoop Kumar Sinha son of Late Dudhnath Prasad Resident of Village - Murli, P.O. Bhabhata, P.S. Sathi, District - West Champaran.
41. Laxmi Prasad son of Ramswarup Mahto Resident of At Bhatni, P.O. Sahodra, P.S. Jamunia, District - West Champaran.
42. Md. Manir Raza son of Sk. Abdul Hafiz Resident of At - Jhumka, P.O. Behra, P.S. Sikta, District - West Champaran.
43. Ajay Kumar Yadav son of Ramchandra Prasad Yadav Resident of At - Chakrshan, P.O. Chauhata, P.S. Manpur, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Narendra Kumar, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY



ORAL JUDGMENT

Date: 09-03-2018

Heard learned counsel for the petitioners and State.

Learned counsel for the petitioners submits that similarly circumstanced Physical Trained Teachers have approached this Court in L.P.A. No. 858 of 2016 and ultimately the matter was considered in M.J.C. No. 3829 of 2016 and the Division Bench on consideration of the rival contention of the parties held out that the persons, who acquire eligibility after the commencement of the selection process cannot participate in the selection process. The Court, however, observed that in case vacancies still survive after completion of the selection process and fresh selection process is undertaken, the petitioners should be considered in accordance with law.

Learned counsel submits that the writ application may be disposed of in view of the order dated 02.03.2017 passed in M.J.C. No. 3829 of 2016.

Accordingly, the writ application is disposed of with the same observations “if upon completion of this exercise of recruitment, vacancies still survive, then, pursuant to the fresh selection process to be started, the petitioners should be considered”.



With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2018
Transmission Date	

