

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12939 of 2019**

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Naveen Kumar Singh S/o Sri Dinesh Kumar Singh Resident of At and PO  
Dhanushi,P.S. Runni Saidpur,Dist.Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary,Education  
Department,Govt. of Bihar,Patna
2. The Director,Primary Education, Education Department Govt. of  
Bihar,Patna
3. The District Magistrate, Samastipur,Dist.Samastipur
4. The District Education Officer, Samastipur,Dist.Samastipur.
5. The District Programme Officer (Esteablishment),  
Samastipur,Dist.Samastipur

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.  
For the Respondent/s : Mr. Samir Kumar, AC to SC-16

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      01-07-2019                      Heard learned counsel for the petitioner and the  
counsel appearing on behalf of the State.

Petitioner has filed the present writ petition for  
direction to the respondent authorities to consider the services of  
the petitioner for his designation as “Graduate Grade” (Block)  
Teacher in accordance with the Rule 4(ii) read with Rule 18 of  
Bihar Panchayat Primary Teacher (Employment and Service  
Condition) Rules, 2012.

Learned counsel for the petitioner submits that Bihar  
Panchayat Primary Teacher (Employment and Service  
Condition) Rules, 2012 recognise three grade of Teachers, Basic



grade trained and Headmaster. Notwithstanding classification of teacher as basic grade, graduate and headmaster the respondents are not granting the status of graduate trained teacher to the petitioner and petitioner was appointed as Shiksha Mitra subsequently by Rule of operative of 20 of 2006 Rules the petitioner service was absorbed as Panchayat Shikshak in 2006. The service condition rule was framed in 2012 with a view to grant benefit to Panchayat Shikshak in terms of the rule but unfortunately due to lack of decision on the part of the respondents the benefit as to graduate teachers has not been granted to the petitioner.

Learned counsel for the petitioner has placed reliance on the decision of Division Bench judgment of LPA No. 945 of 2015 wherein a division Bench of this Court has issued direction to the Director Primary Education to take appropriate decision in the light of the 2012 Rules.

Considering the aforesaid, the present writ petition is disposed of with a direction to the Director Primary Education to consider the case of the petitioner for the grant of status of graduate teacher with all consequential benefits in terms of 2012 Rules at the earliest preferably within a period of 60 days from the date of receipt/production of copy of this order.



It is made clear that the respondents have to take decision strictly in accordance with the service condition rules.

With the aforesaid, the present writ application stands disposed of.

**(Anil Kumar Upadhyay, J)**

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