

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.186 of 2018

1. Vijay Kumar, son of Dr. Janardan Prasad, presently working as Assistant Teacher in the subject of Biology at High School, Chiraura, P.O.-Chiraura, P.S.-Naubatpur, District-Patna.
2. Umesh Sharma, son of Bhagwan Singh, presently working as Assistant Teacher in the subject of Mathematics at High School, Chiraura, P.O.-Chiraura, P.S.-Naubatpur, District-Patna.
3. Ravi Shankar Kumar, son of Santosh Prasad Singh, presently working as Assistant Teacher in the subject of Biology at Ram Swarath Singh High School, Balwa, P.O.-Baruna, P.S.-Fatuha, District – Patna.
4. Umesh Kumar, S/o Sri Arvind Kumar Singh, presently working as Assistant Teacher in the subject of Biology at High School, Purania, P.O.-Neura, P.S.-Bihta, District – Patna.
5. Jainendra Kumar Sharma, S/o Late Bindeshwari Sharma, presently working as Assistant Teacher in the subject of Biology at High School, Painal, P.O. - Painal, P.S. - Bihta, District – Patna.
6. Arun Kumar Sinha, S/o Ram Naresh Sinha, presently working as Assistant Teacher in the subject of Mathematics at Anugrah Narayan Sarvoday High School, Usfa, P.O. - Usfa, P.S. - Gaurichak, District – Patna.
7. Madheshwar Prasad, S/o Sri Bhagwan Yadav, presently working as Assistant Teacher in the subject of Mathematics at R.L.S.Y. High School, Paigambarapur, P.O. - Mauri, P.S. Paliganj, District – Patna.
8. Pramod Kumar S/o Sri Tarachand Yadav, presently working as Assistant Teacher in the subject of Mathematics at +2 High School, Sikariya, P.O. + P.S. - Paliganj, District – Patna.
9. Ashok Kumar S/o Late Suresh Chandra Sinha, presently working as Assistant Teacher in the subject of Biology at S.R.K. High School, Pandooe, P.S. +, District – Jehanabad.
10. Ramhari Sardar, S/o Purnachandra Sardar, presently working as Assistant Teacher in the subject of Mathematics at R.M. Project Kanya Inter School, Pakaribrama, P.O. - Pakaribrama, P.S. + District – Nawada, Pin – 805124.
11. Arbind Kumar Singh S/o Late Ramanuj Singh, presently working as Assistant Teacher in the subject of Mathematics at High School, Purainia, P.O. +P.S. - Neura, District – Patna.
12. Dr. Dinesh Prasad S/o Late Mahavir Prasad, presently working as Assistant Teacher in the subject of Mathematics at Sri Jagmohan High School, Tineri Post Nadaul, P.S. - Masaurhi, District – Patna.
13. Pinki Sinha, W/o Sri Om Prakash Sinha, presently working as Assistant Teacher in the subject of Biology at Project Balika (+2) High School Asthama, Nalanda.
14. Dr. Maheshwar Prasad Yadav S/o Sri Jibachh Yadav, presently working as Assistant Teacher in the subject of Mathematics at S.B. L.P. High School, Nadual, P.S. Masaurhi, District – Patna.
15. Sanjiv Kumar Singh S/o Sri Shyamnandan Singh, presently working as Assistant Teacher in the subject of Mathematics at High School, Painal, P.O. Painal, P.S. Bihta, District Patna.
16. Ashok Kumar Singh S/o Sri Madhav Prasad Singh, presently working as Assistant Teacher in the subject of Mathematics at High School, Chaukhandi Path, P.O. + P.S. - Rauja Road, Sasaram, District – Rohtas.



17. Jawahar lal S/o Sri Bhikhar Rai, presently working as Assistant Teacher in the subject of Mathematics at S.R.P.G. +2 High School, Pojhi Bhualpur Saran, P.O. + P.S. - Marhurah, District – Saran.
18. Md. Manir Ali S/o Md. Yashin Mian, presently working as Assistant Teacher in the subject of Mathematics at Shanti Raman Project Balika +2 School, P.O. + P.S. lishuapur, Chapra, District – Saran.
19. Amit Kumar S/o Sri Shivan Jha, presently working as Assistant Teacher in the subject of Biology at R.K.P.N. High School, Bochaha, P.O. + P.S. Bochaha, District Muzaffarpur.
20. Ram Kumar Singh S/o Sri Jagdish Prasad Singh, presently working as Assistant Teacher in the subject of Biology at Kalika High School, Alwalpur, Piyaria P.O. + P.S. Gaurichak, District Patna.
21. Maya Shankar Singh S/o Sri Thakur Haridutta Prasad Singh, presently working as Assistant Teacher in the subject of Biology at Project Girls School, P.O. + P.S. Bidupur Bazar, District – Vaishali.
22. Sushma Kujur W/o Raimax Toppo, presently working as Assistant Teacher in the subject of Biology at G.C. High School Rambag bihta, P.O. + P.S. Bihta, District Patna.
23. Indu Singh W/o Sri Ram Pratap Singh, presently working as Assistant Teacher in the subject of Biology at Ramesh Rani Agrwal High School, Ghirni Pokhar, P.O. Girni Pokhar, P.S. Town Thana, District Muzaffarpur.
24. Renu Kumari W/o Yogendra Prasad Kapri, presently working as Assistant Teacher in the subject of Biology at High School Neura, P.O. Neura, P.S. Bihta, District Patna.
25. Suchitra Kumari W/o Ram Narayan Yadav, presently working as Assistant Teacher in the subject of Biology at Babujee Sah Prabhujee Sah Kanya High School, Mansapur, P.O. Mansapur, P.S. Laukhi, District Madhubani.
26. Kumari Reeta W/o Kumud Kumar Sharma, presently working as Assistant Teacher in the subject of Biology at D.P. G.R.D. Project Girls High School, Kanti, P.O. + P.S. Kanti, District Muzaffarpur.
27. Vijay Shankar S/o Sri Ram Pyare Prasad Singh, presently working as Assistant Teacher in the subject of Mathematics at Adarsh High School, Palanga, P.O. Suitha, P.S. Parsa Bazar, District Patna.
28. Madan Prasad S/o Sri Karmu Prasad, presently working as Assistant Teacher in the subject of Biology at Adarsh High School, Palanga, P.O. Suitha, P.S. Parsa Bazar, District Patna.
29. Manoj Kumar S/o Late Ram Babu Rajak, presently working as Assistant Teacher in the subject of Biology at Sri Brij Lal Prasad High School, Nadaul, P.O. Nadaul, P.S. Masaurhi, District Patna.
30. Anil Kumar Singh S/o late Atal Bihari Singh, presently working as Assistant Teacher in the subject of Mathematics at +2 High School, Baraon, P.O. + P.S. Nokha, District Rohtas.
31. Nutan Kumari W/o Abhay Kumar, presently working as Assistant Teacher in the subject of Biology at Rasalpura High School, Saran, P.O. + P.S. - Goldenganj Chapra, District Saran.
32. Arun Kumar S/o Sri Siya Ram Mahto, presently working as Assistant Teacher in the subject of Biology at High School, Panapur, P.O. Digha, P.S. Akilpur, district Patna.
33. Surya Kumar Singh S/o Ramdeo Singh, presently working as Assistant Teacher in the subject of Biology at High School, Bheria Suara, P.O. Pahleja, P.S. Dehri, District Rohtas.



34. Bhushan Kumar S/o Late Yadunandan Prasad, presently working as Assistant Teacher in the subject of Biology at Project R.K.B. Girl's (+2) School, P.O. + P.S. Chandi, District Nalanda.
35. Gorakh Nath Singh S/o Sri Hiralal Singh, presently working as Assistant Teacher in the subject of Biology at Jai Mangal High School, Pipradih, P.S. Nasriganj, District Rohtas.
36. Tribhuwan Prasad Sinha S/o Late Harihar Prasad, presently working as Assistant Teacher in the subject of Mathematics at High School, Panapur, P.O. Digha, P.S. Akilpur, District Patna.
37. Kiran Kumari @ Kiran Kumar W/o B.N. Pathak, presently working as Assistant Teacher in the subject of Mathematics at Maner Girls High School, Maner, P.O. + P.S. - Maner, District Patna.
38. Rashmi Singh Rashmi Sinha W/o Mithilesh Kumar Sinha, presently working as Assistant Teacher in the subject of Biology at Project Balika High School, Nagwa, P.O. Nagwa, P.S. Naubatpur, District Patna.
39. Rajeev Ranjan S/o Harshikesh Singh, presently working as Assistant Teacher in the subject of Mathematics at High School, Kayapur, Fatehpur, P.S. Naubatpur, District Patna.
40. Himansu Tripathi S/o Late Devendra Tripathi, presently working as Assistant Teacher in the subject of Biology at High School Chaukhandi Path, P.O. Rauja Road, P.S. Sasaram, District Rohtas.
41. Jnanasheel S/o Sri Nabin Deo Prasad, presently working as Assistant Teacher in the subject of Mathematics at Rajkiyakrit High School, Nargada, P.O. Jamshaut, P.S. Shahpur, Dananpur, District Patna.
42. Sunanda Prasad W/o Shailendra Ranjan Mandal, presently working as Assistant Teacher in the subject of Biology at Rajkiyakrit High School, Nargada, P.O. Jamshaut, P.S. Shahpur, Dananpur, District Patna.
43. Pushpa Lawrence, W/o Charles Andrews Osta, presently working as Assistant Teacher in the subject of Biology at Duniyari High School, Hathiya Kandh Saray, P.O. Saray, P.S. Maner, District Patna.
44. Suresh Kumar S/o Devendra Prasad, presently working as Assistant Teacher in the subject of Biology at High Schoold Dumari, P.O. Jat Dumri, P.S. Punpun, District Patna.
45. Jitendra Kishore Jha S/o Surya Narayan Jha, presently working as Assistant Teacher in the subject of Biology at Gaya Das High School, Kabirmath, Rashid Chak, Mathia, P.O. + P.S. Hussainganj, District – Siwan.

... .. Petitioners

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.

... .. Opposite Parties

with

Civil Review No. 187 of 2018



1. Dr. Kanhaiya Singh S/o Late Shivpujan Singh, resident of Kurji Balupar, Shivaji Nagar, P.O. Digha Ghat, P.S. Digha, District Patna, presently posted as Assistant Teacher at Siya Ram Singh High School, Sahpur, Daudpur, Patna.
2. Krishna Kumar Sinha S/o Sri Shatrughan Prasad, resident of Village Katai, P.O. Kurtha, P.S. Kurtha, District Arwal, presently posted as Assistant Teacher at High School, Ekil, Jehanabad.
3. Dr. Alok Prakash Dwakar, S/o Sri Dineshwar Pandit, resident of Mohalla Rajiv Nagar, Road No. 14, P.O. Keshrinagar, P.S. Rajeev Nagar, Patna-24, presently posted as Assistant Teacher at B.R.V. High School, Anandpur, Patna.
4. Dr. Surya bhushan Pd. Sinha S/o Sr Ra Chandra Prasad, resident of Village Rampur, P.O. Chhatiyana, P.S. Harnaut, District Nalanda, presently posted as Assistant Teacher at High School, Balba, Patna.
5. Anju Kumari W/o Shashi Bhushan Kumar, resident of Naveen Engineering Works, Chitragupta Nagar, Parwatia Path, P.O. Lohianagar, P.S. Patrakar Nagar, District Patna, presently posted as Assistant Teacher at Udehan Girl's High School, Biha, Patna.
6. Ajay Kumar S/o Late Rajkebal Sharma, resident of Alka Colony Sandalpur, P.O. Mahendru, P.S. Bahadurpur, Patna, presently posted as Assistant Teacher at project High School, Mahua, Vaishali.
7. Dilip Kumar S/o Sidheshwar Prasad, resident of Village Krishnapur, P.O. & P.S. Hilsa, district Nalanda, presently posted as Assistant Teacher at Baleshwar Singh High School, Dtasang, Nalanda.
8. Dr. Praveen Kumar S/o Prahlad Prasad, resident of Village Jalgovind, P.O. Barh, P.S. Barh, District Patna, presently posted as Assistant Teacher at L.N.S.R. High School, Kurmichak, Patna.
9. Krishnakant Roy S/o Ram Chandra Roy, resident of Village Tojha, P.O. Babhan Toli, P.S. Goraul, District Vaishali, presently posted as Assistant Teacher at High School, Sinduari, Vaishali.
10. Rajeev Ranjan S/o Sri Ram Kumar, resident of Village Ganjpar, P.O. Rajgir, P.S. Rajgir, District Nalanda, presently posted as Assistant Teacher at High School, Beldr Bigha, Nalanda.
11. Sarita Sinha W/o Vinay Kumar Chandrayan, resident of Village Choti Att, P.O. Att, P.S. Ben, District Nalanda, presently posted as Assistant Teacher at High School, Att.
12. Ajay Kumar S/o Late Gendhari Yadav, resident of Village Varui, P.O. Pairata, P.S. Sheikhpora, District Sheikhpora, presently posted as Assistant Teacher at Gramin High School, Chakbariya, Patna.
13. Dr. Jaijeet Kumar S/o Late Doman Pandit, resident of Mohalla North Mandiri, Near Dwarika High School, P.O. G.P.O., P.S. Budha Colony, District Patna, presently posted as Assistant Teacher at +2 Jagtarni High School, Rampur Diara, Patna.
14. Jainendra Sharma S/o Late Chandradeo Sharma, resident of J-92, P.C. Colony, P.O. Lohianagar, P.S. Kankarbagh, District Patna, presently posted as Assistant Teacher at High School, Sohla, Kaler.
15. Dr. Mahseema D/o Anwar Ahmad, resident of Muskan Kothi, Bakarganj, Gola Road, Patna Acadmy Campus, P.O. Bankipur, P.S. Pirabahor, Patna-4, presently posted as teacher Pavitri Girl's School, Simri, Bihta.
16. Dr. Ajay Kumar Upadhyay, S/o Sri Raghubansh Bhushan Upadhyay, resident of Upadhyai Niwas, P.O. Bankipur, P.S. Kadamkuan, District Patna, presently posted as Assistant Teacher at High School, Baghakol, Patna.



17. Sanjay Kumar S/o Late Munsii Prasad Singh, resident at + P.O. Gangapur, Via-Hulasganj, P.S. - Hulasganj, District Jehanabad, presently posted as AssistantTeacher at Maheshwari Vidyapith, Shahjahanpur, Patna.
18. Rita Kumari W/o Sri Murlidhar Pd. Singh, resident of Flat No. 164, Block No. 19, P.O. Rajenda Nagar, P.S. Kadamkuan, Patna-16, presently posted as AssistantTeacher at High School, Daniyawan, Patna.
19. Sunil Kumar S/o Brahmadeo Paswan, resident of Village Dihra, P.O. - Sirsi (Dihra), P.S. Harnaut, District Nalanda, presently posted as AssistantTeacher at High School Seodah, Nalanda.
20. Dr. Satya Narayan Mahto S/o Late Ram Bhajan Mahto, resident of C/o Rajaram Sah, Mohalla Mahatmagandhi Nagar, P.O. B.H. Colony, P.S. Agamkuan, Patna, presently posted as AssistantTeacher at Mahanth Hariharnath High School, Gulmahiabagh, Punadih, Patna.
21. Jai Prakash Verma, S/o late Baliram Pd. Verma, resident of Banskothi, Digha, P.O. & P.S. Digha, Patna, presently posted as AssistantTeacher at High School, Sukki.
22. Ravindra Kumar S/o Ram Prasad Pandit, resident of Village Jolah Bigha, P.O. Sakurabad, P.S. Parasbigha, District Jehanabad, presently posted as AssistantTeacher at Project Kanya High School, Kako, Jehanabad.
23. Shiv Kumar S/o Sri Ram Prasa Choudhary, resident at Bagulham P.O. Hazipur, P.S. Naya Hazipur, District Vaishali, presently posted as Assistant Teacher at Project Girl's High School, Ramgarhwa, East Champaran.
24. Rajesh Verma S/o Rajendra Prasad Verma, resident At – Dalluchak, P.O. & P.S. Khagaul, District Patna, presently posted as Assistant Teacher at High School Pitwas, Patna.
25. Mahesh Ram S/o Muneshwar Ram, resident of Village Gannipur Bhanpur, P.O. Bharthipur, P.S. Baligawn, District Vaishali, presently posted as Assistant Teacher at High School, Sindhuari, Vaishali.
26. Sudhir Kumar S/o Sri Dhaneshwar Prasad, resident of Piyush Book Center At + P.O. Asarganj, P.s. Asarganj, District Munger, presently posted as Assistant Teacher at High School, Sitakund, Munger.
27. Arvind Kumar S/o Lakhan Lal, resident of Village shiodah, P.O. & P.S. Kajra, District Lakhisarai, presently posted as Assistant Teacher at High School, Chandanpura, Munger.
28. Usha Kumari W/o R.K. Shukla, resident of Kishan Colony, Phase-I, P.O. Anisabad, P.S. Phulwarisarif, District Patna, presently posted as Assistant Teacher at Project Girl's High School, Jandaha, Vaishali.
29. Niranjana Pd. Yadav S/o late Shital Pd. Yadav, resident of E 10/6, M.T.P.S. Colony, P.O. & P.S. Kanti, District Muzaffarpur, presently posted as Assistant Teacher at Project Girl's High School, Kanit Muzaffarpur.
30. Sunil Kumar S/o Sri Gaganjdeo Singh, resident at – Gobrsahi Gandhi Nagar, P.O. Khawara, District Muzaffarpur, presently posted as Assistant Teacher at Project Girl's High School, Saraiya Muzaffarpur.
31. Arjun Kumar S/o Sri Harinandan Roy, resident at Nawabganj, P.O. Patna City, P.S. Malsalami, District Patna, presently posted as Assistant Teacher at High School Rampur Vaishali.
32. Kiran Sinha W/o Dr. Anil Kumar Sinha, resident of Narayan Colony Old Police Line, P.O. Ara Kachari, P.S. Town Thani, District Bhojpur, presently posted as Assistant Teacher at Ram Janki +2 High School, Udvant Nagar, Bhojpur.



33. Ganesh Tiwari S/o Siddhnath Tiwari, resident of Mohalla – Ram Nagar, P.O. Chandwa, P.S. Nawada, District Bhojpur, presently posted as Assistant Teacher at High School, Asni, Bhojpur.
34. Indu Kumari W/o Subodh Kumar Singh, resident of Village + P.O. + P.S. Panapur, District Muzaffarpur, presently posted as Assistant Teacher at Project Girl's High School, Kurhani, Muzaffarpur.
35. Puran Jayaswal S/o Late Mathura Prasad Jayaswal, resident of at + Shantipuram, P.O. Ramna, P.S. Kazi Mohammadpur, District Muzaffarpur, presently posted as Assistant Teacher at High School, Kanta, Muzaffarpur.
36. Sunaina Kumari D/o Sri Kali Charan Prasad, resident of Village Kharjama, P.O. Chandhari, P.O. Islampur, District Nalanda, presently posted as Assistant Teacher at Project Girl's High School, Makhdumpur, Jehanabad.
37. Nawal Kishore Kumar S/o Late Raghav Singh, resident at Nishharpura, P.O. Suppi, P.S. Kako, District Jehanabad, presently posted as Assistant Teacher at High School, Makhdumpur, Jehanabad.
38. Smt. Neelam W/o Er. Anjani Kumar, resident of Doctors's Colony Khandakpar, P.O. - G.P.O. Biharsarif, P.S. Bihar Thana, District Nalanda, presently posted as Assistant Teacher at High School, Deepnagar, Karai Nalanda.
39. Mirdula Singh W/o Ravi Shankar Prasad Singh, resident of Mangal Asthan, Ramchandrapur, P.O. Ramchandrapur, P.S. Laheri, District Nalanda, presently posted as Assistant Teacher at High School Bada Ranacanda.
40. Md. Imteyaz S/o Abdul Baheed, resident of Shop No. 2, Choudhary Market, P.O. Bankipur, P.S. Pirbahore, District Patna, presently posted as Assistant Teacher at Berhna High School Barh, District Patna.
41. Kumari Ribela Rani W/o Chandeshwar Singh, resident of at Mahatma Gandhi Nagar, Shantidevi Path, P.O. - B.H. Colony, P.S. Agamkuan, District Patna, presently posted as Assistant Teacher at +2 Project Girls High School, Nagma, Naubatpur, Patna.
42. Dr. Shambhu Dayal S/o Lte Lala Garai, resident of Village Sundi Bigha, P.O. + P.S. Akengarsarai, District Nalanda, presently posted as Assistant Teacher at Project Girls High School, Pandarak, Patna.
43. Dr. Abhichandra Jha S/o Late Buchi Jha, resident of At + P.O. Bardaha, via – Andhra, P.S. Babu Barhi, District Madhubani, presently posted as Assistant Teacher at Project Girls High School, Benipatti, Madhubani.
44. Gajendra Prasad Singh, S/o Late Swambar Pd. Singh, resident of At Bhikhua, P.O. Dumari, P.S. Fatuha, District Patna, presently posted as Assistant Teacher at High School, Shaibani, Patna.
45. Ram Pukar Mahto S/o Sri Gonar Mahto, resident of at + P.O. Singhia Ghat (Block Road), P.S. Bihutipur, District Samastipur, presently posted as Assistant Teacher at High School, Belamegh.
46. Manoj Kumar Singh S/o Sri Shakar Pd. Singh, resident at + P.O. Hardia, Singhia, District Samastipur, presently posted as Assistant Teacher at High School Kalyanpur, Samastipur.
47. Gayanand Das S/o Sri Singheshwar Das, resident AT Nagargama, P.O. Soyara, Via-Dalsinghsarai, District Samastipur, presently posted as Assistant Teacher at Project Girl's High School, Raipur Ujiyarpur (Samastipur).
48. Lakshmi Kant Jha S/o Late Sukhdeo Jha, resident At Dighi (West). Ward No. 18, P.S. & District Darbhanga, presently posted as Assistant Teacher at Project Girls High School, Singhia (Samastipur)



49. Arun Kumar Ray, S/o Sri Ram Swarath Ray, resident At & P.O. Sarbatta, Via Sarairanjan, presently posted at Assistant Teacher at M.N.D. High School Raipur, Samastipur
50. Sudhir Kumar S/o Late Ram Bahadur Singh, resident of Adarsh Nagar, P.O. & District Samastipur, presently posted at Assistant Teacher at High School, Gangapur.
51. Shatrudhan Pd. Yadav S/o Sri Gajjan Pd. Yaav, resident of Vill. & P.O. Adharpur, (Via-Tajpur), P.O. & P.S. Samastipur, District Samastipur, presently posted at Assistant Teacher at High School, Bingama Mohanpur, Patory.
52. Ganesh Kumar Jha S/o Raghuwansh Jha, resident At Morwadih, P.O. Morwa, P.S. Musari Gharai, presently posted at Assistant Teacher at High School Barahauna (Vidyapati Nagar).
53. Jay Prakash 'Jwala' S/o Sri Jagat Lal Yada, resident At & P.O. Behta (West Tola), P.S. Benipatti, District Madhubani, presently posted at Assistant Teacher at Project Girl's High School, Benipatti, Madhubani.
54. Surya Kumar Singh S/o Late Ram Deo Singh, resident of C/o SH – Vinay Kumar, Road No. 02, Khasmahal, Chiraiyatar, P.O. - G.P.O., P.S. Jakkanpur, District Patna, presently posted at Assistant Teacher at High School, Bheria-Suara, Dehri, Rohtas.
55. Pradeep Kumar, Sri Mewa Lal Shaw, resident of Opposite Canara Bank, Digha, P.O. Digha Ghat, Patna 800011.
56. Dharmendra Kumar Sinha S/o Sri Chandeshwar Prasad, resident of Village + Post – Singariyawan, P.S. Sahjahanpur, District – Patna.
57. Umesh Kumar S/o Mahendra Pd., resident of Village Ramgarha, District Saran.
58. Kailash Prasad Swarnkar Son of Saukhi Lal Swarnkar, resident of Mohammadpur, Shahganj, P.O. Mahendru, P.S. Sultanganj, District Patna.
59. Rajesh Kumar son of Late Mahendra Thakur, resident of Village + Post Marwa, P.s. Bihpur, District Bhagalpur.
60. Prabha Shankar Kumar Pranay Son of Dhanraj Prasad, resident of Village + Post Makunagarh, Via-Gharbharuari, P.S. Dihra, District Saharsa.
61. Devanand Ray sonof Yogi Rai, resident of Village Daud Nagar, P.O. Chandho, P.S. Bidupur, District Vaishali. Petitioners

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director Secondary Education, Govt. of Bihar, Patna. Opposite Parties

Appearance :

(In Civil Review No. 186 of 2018)

For the Petitioner/s : Mr.Shashi Bhushan Singh
For the Opposite Party/s : Mr.Ashutosh Ranjan Pandey AAG 15

(In Civil Review No. 187 of 2018)

For the Petitioner/s : Mr.Shashi Bhushan Singh
For the Opposite Party/s : Mr.Ashutosh Ranjan Pandey AAG 15

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

CAV ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)



5 13-02-2019 We have heard Sri Shashi Bhushan Singh, learned counsel for the petitioners and Sri Ashutosh Ranjan Pandey, learned AAG-15 for the opposite parties-State of Bihar.

These review applications have been preferred for review of the order dated 18.05.2018 passed in CWJC No.19622 of 2014 along with its analogous cases.

Learned counsel representing the review-petitioners submits that there are some factual errors in paragraph 15, 18 and 29 of the judgment wherein the Hon'ble Division Bench has mentioned that the panel of 1998 and 1999 were already cancelled and the said panel was not restored by the learned Writ Court in CWJC No.2994 of 2000. Learned counsel submits that having said so in paragraph 15 of the judgment under review, the Hon'ble Court recorded in subsequent paragraphs that initially as regards the panel prepared for the subject of Biology and Mathematics a vigilance enquiry was held and the panel was cancelled vide letter no.102 dated 20.02.1991, thereafter in 1995 a fresh advertisement took place and fresh panels were prepared in the year 1998 and 1999, but the said panels were not given effect to.

Learned counsel submits that judgment of the Hon'ble Division Bench is based on the fact that the panel



prepared pursuant to the advertisement of 1995 in continuation of advertisement of 1998 was not given effect to, the observation of the Hon'ble Court regarding original panel that it was not given effect to was factually incorrect. According to the petitioners pursuant to advertisement of 1988 the panel of successful candidate was prepared which was cancelled then in continuation of the said advertisement an advertisement was made in 1995 and again interview letters were issued and panel of successful candidates were prepared on 08.10.1998 and 21.05.1999 for the candidates of Biology and Mathematics respectively, this panel was never cancelled or became ineffective rather from the same panel the verification of testimonials of candidates was made in the year 2004 taking into consideration the effect of bifurcation of the State resulting in change of existing vacancies due to certain vacancies falling under the jurisdiction of the State of Jharkhand.

The other ground for review which has been canvassed before us is that the State government framed a new Rule in the year 2006 repealing the old rules by which the petitioners were to be appointed and surrendered the vacancies which had already occurred pursuant to the



advertisement in question. It is submitted that the State ought not to have surrendered the post and if it has been done, it is to be taken as if the State has revived the surrendered post. The submission is that the special Rule framed in the year 2013 should not be partial and the status of the assistant teacher such as petitioners should be at par with those who were appointed pursuant to Rule of 1983.

As against the submissions of learned counsel for the review-petitioners, learned AAG-15 for the State submits that there is no dispute that pursuant to the advertisement of 1988 though the panel was prepared for the subject of Biology and Mathematics, a vigilance enquiry was set up whereafter the panel was cancelled vide letter no.102 dated 20.02.1991. Thereafter in 1995 a fresh advertisement took place, fresh interviews were held and list of selected candidates for the post of Biology and Mathematics were prepared but despite the publication of the merit list no further action was taken towards appointment of the petitioners. The successful candidates in subject Biology moved this Court in CWJC No.2994 of 2000 and other analogous cases. The learned Writ Court thereafter issued certain directions including that for reworking of the vacancies and then 30% of the available



vacancies had to be left apart for the assistant teachers of Primary/Middle Schools and Clerks of the Secondary Schools. In fact the Writ Court gave a direction to the State to calculate number of vacancies and consider the case of the petitioners and other similarly situated for their appointment from the panel against those vacancies in accordance with law. It is submitted that in these circumstances it is quite apparent that the panel prepared in the year 1998 and 1999 were not given effect to and fresh considerations were given to the case of the petitioners and similarly situated after recalculating the vacancies and in terms of the direction of the learned Writ Court.

Regarding the challenge to Rule 11 of the Special Rules, 2013, learned AAG-15 submits that because of coming into force the Employment Rules, 2006 providing the mode and manner of appointment of teachers in secondary schools of the State of Bihar, the petitioners could not have been appointed in regular pay scale as prescribed for the teachers of nationalized secondary schools, therefore the State government brought Special Rules, 2013 and sanctioned fresh posts with an intention to comply with the order of the Court. Further as a matter of policy the State government had already



formulated Contributory Pension Scheme of 2005 which was applicable to all fresh appointees who came in service after cut-off date.

Having heard learned counsel for the petitioners and learned AAG-15 for the State, we find no substance in the submissions of the learned counsel for the petitioners. So far as first ground is concerned, it is evident that the panel prepared in the year 1998 and 1999 were not given effect to and as those panels were not being acted upon, some of the petitioners moved this Court in writ application being CWJC No.2294 of 2000. When the matter came up for consideration before the learned Writ Court, by that time the erstwhile State of Bihar was bifurcated by virtue of coming into force of the Bihar Reorganization Act, 2002 with effect from 15.11.2000. Certain vacancies had gone in the State of Jharkhand and in fact panels prepared in 1998 and 1999 were not workable, hence, in these circumstances the learned Writ Court issued direction to recalculate the vacancies and then after leaving 30% of the existing vacancies for the assistant and primary teachers accepted the final figure submitted by the State government and issued directions to the State to consider the case of the petitioners and other similarly situated persons for



their appointment from the panel against those vacancies.

It is thus apparent from the facts on record that the panel prepared in the year 1998 and 1999 were rendered redundant for purpose of appointment rather a fresh consideration was given to the case of the petitioners and other similarly situated persons who were there in the panel. Thus, the plea of the learned counsel for the petitioners that panel of 1998 and 1999 were not cancelled and were not given effect to, cannot be accepted by this Court. The first ground raised by the petitioners, thus fails.

As regards the second ground, we again find that the previous laws governing the selection of the petitioners had already been repealed and new Employment Rule, 2006 had come into force wherein there was no existing post with fixed pay scale, therefore, the State Government had no option but to create fresh posts in fixed pay scale when Special Rule 2013 was brought into existence. Prior to the new Employment Rule 2006, the Bihar government had formulated its new pension policy and had notified new Pension Rules, 2005 wherein all those who came into government service on or after 01.09.2005 were covered. There is no discrimination among the members of the



government service in the matter of payment of pension under the provisions of the Contributory Pension Scheme/New Pension Rules, 2005. The new Pension Scheme had come into force when the Special Leave Petitions preferred by the State of Bihar against the order of the Hon'ble Division Bench arising out of CWJC No.2994 of 2000 was pending consideration. The Hon'ble Supreme Court disposed of the Special Leave to Appeal © No.6369-6376 of 2005 vide order dated 28.08.2012. The Hon'ble Supreme Court took note of the fact that the entire process of selection for appointment of teachers in the State of Bihar had undergone a change during the pendency of the Special Leave to Appeal but then taking note of the peculiar facts and circumstances of the case the Hon'ble Apex Court was not inclined to interfere with the impugned judgment passed by the High Court.

It is apparent from the aforementioned facts that till 28.08.2012 the matter was sub-judice before the Hon'ble Supreme Court. Once it was decided and the Special Leave Petitions were dismissed, the State Government came out with Special Rules 2013 and appointed these petitioners. In the background of the facts of this case, it cannot be said that



Rule 2013 is doing any partiality in the matter of these petitioners.

We are not persuaded to entertain the review applications even on the second ground. As a result, the review applications are dismissed.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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