

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 1742 of 2017

Arising out of

Civil Writ Jurisdiction Case No. 9494 of 2014

Parivartankari Prarmbhik Sikshak Sangh, Bihar Regd. Office at Raksha (South), Via Kanti, P.S. Karja District- Muzaffarpur represented through it's State President Sri Banshidhar Brajwashi, Son of Sri Nand Kishore Sahani, Resident of Village- Raksha (South), P.S.- Karja District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Sri Anjani Kumar Singh, the Chief Secretary, Bihar, Patna.
2. Mr. R.K. Mahajan, the Principal Secretary, Department of Human Resource Development, Bihar, Patna.
3. Sri Ram Chandra Drudu, the Director, Primary Education, Department of Human Resource Development, Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj, Advocate
For the State : Mr. Lalit Kishore, Advocate General
Mr. Ashutosh Ranjan Pandey, AAG 15

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 13-09-2019

Heard learned counsel for the petitioner and learned Advocate General along with Additional Advocate General No. 15 for the State.

2. Pursuant to order dated 26.08.2019, the Director, Primary Education, Bihar is present and has filed his show cause. The reason why he was called is detailed in the order dated 26.08.2019.



3. It has been submitted on behalf of the State that the Director having joined on 9th of September, 2019, being aware of the matter is now seriously pursuing the same so that the order dated 28.11.2016 passed in CWJC No. 9494 of 2014, is complied with.

4. The order required the authorities to frame a Rule with regard to the service condition of Panchayat teachers, within six months in view of such time frame indicated in the affidavit filed on behalf of the authorities in the writ proceeding.

5. Learned counsel for the State submitted that the exercise would require forming of a Committee to frame rules and after the approval at the level of the Director, Primary Education, the matter will be referred to the Government which ultimately is the authority to frame such rules.

6. Having regard to the aforesaid, learned Advocate General submitted that the Court may give a reasonable time as these matters have to go through various levels/stages.

7. In view thereof, the Court is inclined to give one more opportunity to the authorities.

8. Accordingly, the application stands disposed off with the observation that the exercise which was required to be completed in terms of the order dated 28.11.2016 passed in CWJC



No. 9494 of 2014, shall be taken to its logical conclusion by the end of February, 2020, positively.

9. The Court would only observe that though the officer had asked for four months time but the Court has granted five and a half months, the authorities shall not give the Court any opportunity to consider any allegation with regard to non compliance once again.

10. Personal appearance of the officer stands dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

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