

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25071 of 2019

1. Ashok Kumar Singh S/o Late Surya Singh Resident of Village- Mahachchi, P.S.- Majhoulia, District- West Champaran.
2. Rajesh Kumar Jha S/o Gajadhar Jha Resident of Village- Jasdol, P.S.- Chanpatia, District- West Champaran.
3. Madhav Rai Sharma S/o Late Jagannath Rai Resident of Village- Jasdol, P.S.- Chanpatia, District- West Champaran.
4. Sheela Kumar @ Shila Kumari W/o Shri Awadhesh Rai Resident of Village- Rarhiya, P.S.- Gobindganj, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, New Secretariat, Patna.
2. The Director Primary Education New Secretariat, Patna.
3. The Regional Deputy Director of Education Tirhut Division, Muzaffarpur.
4. District Education Officer West Champaran at Bettiah, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pratap Sharma, Advocate
For the Respondent/s	:	Ms. Binita Singh (SC 28)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 13-12-2019

By order dated 19.04.2019 passed by a bench of this Court in C.W.J.C. No. 8202 of 2019, the Regional Deputy Director of Education, Tirhut Division, Muzaffarpur was directed to pass a fresh order in the case of the petitioners in terms of the judgment of the court below pertaining to reinstatement of the petitioners in service and payment of arrears of salary. Pursuant to the aforesaid order, the petitioners were reinstated in service of Assistant Teacher and were posted at different places



and the salary for the period of their dismissal was directed to be made available to them.

It appears and as has been argued, a clarification was sought by the District Education Officer, West Champaran from the Regional Deputy Director, Tirhut Division, Muzaffarpur regarding payment of the arrears of salary for the period that the petitioner did not serve as Assistant Teachers. This clarification was sought on 30.10.2019 to which the Regional Deputy Director has responded that for the period that the petitioners worked as contractual teacher, they shall not be paid but shall be paid only for the period when they have served as Assistant Teachers. Against the aforesaid clarification, the petitioners have filed an appeal before the Director, Primary Education which is still pending.

Learned counsel for the petitioners submit that the aforesaid clarification is in derogation of Section 13(5) of the *Bihar Government Servants (Classification, Control & Appeal) Rules, 2005*.

This Court under the aforesaid circumstances directs the Director Primary Education, New Secretariat, Patna (respondent no. 2) to afford a hearing to the petitioners and dispose of their representation by a reasoned order within a period of four weeks of production of a copy of this order.



With the aforesaid direction/observation, the writ
petition stands disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2019
Transmission Date	

