

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12605 of 2021

1. Shyamanand Azad Son of Late Hari Nandan Sinha Resident of Village Sakatpur, P.O. Pokharbhinda, P.S. Sakatpur, District- Darbhanga.
2. Basant Kumar Choudhary Son of Late Balmukund Choudhary Resident of Kherajpur, P.S.- Bahadurpur, District- Darbhanga.
3. Neelmani Kumar Pathak Son of Late Rameshwar Nath Pathak Resident of Mahavir Sthan, Maulabagh, P.O. Arrah, P.S.- Town, District- Bhojpur.
4. Dr. Sujay Kumar Son of Sri Pashupatinath Resident of Station Road, P.S.- Nawada, District- Nawada.
5. Binod Kumar Gupta Son of Rameshwar Prasad Gupta Resident of Satghra Rajnagar, P.O. and P.S.- Rajnagar, District- Madhubani.
6. Sanjay Kumar Son of Harish Chandra Thakur Resident of Village Brahmpur, P.O. Ratanpur, P.S.- Kamtaul, District- Darbhanga.
7. Prakash Mohan Singh Son of Late Raghubansh Prasad Singh Resident of Village Dhabouli, P.S.- Sourbazar, District- Saharsa.
8. Rajeev Kumar Singh Son of Pradymna Narayan Singh Resident of Village Sardiha, P.S.- Bakhtiarpur, District- Saharsa.
9. Dinesh Prasad Son of Ratan Lal Prasad Resident of Village Palgaura, P.S.- Sahebganj, District- Muzaffarpur.
10. Manoj Kumar Son of Krishna Bihari Prasad Resident of Village Bindawalia, P.S.- Kuchaikote, District- Gopalganj.
11. Vinod Kumar Pal Son of Ram Chandra Mahto Resident of Village Shivnar, P.S.- Mokama, District- Patna.
12. Rajesh Kumar Singh Son of Shyamdeo Singh Resident of Village Darihat, P.S.- Darihat, District- Rohtas.
13. Bimal Kumar Son of Lakhan Saw Resident of Renu Niwas, Panchwati Nagar, P.S.- Nalanda, District- Nalanda.
14. Prasoon Kumar Akela Son of Late Anirudh Prasad Resident of Village Kothal Tola, P.S.- Sohsarai, District- Nalanda.
15. Sanjay Kumar S/o Late Gangapati Mallick R/o Mohalla- Matiya Dih Mahawir Nagar, P.O.- Motihari, P.S. Chhatauni, District- East Champaran.
16. Arvind Kumar Mishra Son of Abhiram Mishra R/o Mohalla- Azad Nagar Akauna Near Baudhi Mandir, P.O. P.S.- Motihari, District- East Champaran.
17. Arun Kumar Son of Late Sant Sharan Resident of Mohalla New Area, Nawada, P.S. and District- Nawada.
18. Srikant Prasad Son of Kapildeo Prasad Resident of Village Bardeeh, P.S.- Islampur, District- Nalanda.
19. Arun Kumar Upadhyay Son of Late Ram Pravesh Upadhyay Resident of Village Maudihan, P.S.- Darihat, District- Rohtas.
20. Gulab Chand Son of Mudrika Prasad Resident of Village Shahpur, P.S.- Dawath, District- Rohtas.



21. Yamuna Prasad Son of Murli Prasad Resident of Village Tilauthu, P.O.- Tilauthu, District- Rohtas.
22. Ravi Shankar Prasad Son of Bhagwat Prasad R/o Mohalla- Sadar Chowk, P.S.- Dehri on Sone, District- Rohtas.
23. Suresh Prasad Son of Late Tilak Sao Resident of Village Prasad Bigha, P.S.- Nawada, District- Nawada.
24. Md. Shamimur Rahman Son of Tazrul Rahman Resident of Village Bhagauta, P.S.- Goriakothi, District- Siwan.
25. Somesh Kumar Son of Ram Swaroop Singh Resident of Village Basan Bigha, P.S.- Karpi, District- Arwal.
26. Nagendra Kumar Son of Saryoo Prasad Resident of Village Rustom Chak, P.S.- Shakurabad, District- Jehanabad.
27. Rakesh Kumar Son of Kaushal Kishore Prasad Resident of Village Bajitpur Quilaghat, P.S.- Laheriasarai, District- Darbhanga.
28. Brahmchari Ajay Kumar Son of Rameshwar Singh Resident of Village Dariyapur House, Shashtrinagar, P.S.- Rampur, District- Gaya.
29. Binod Kumar Singh Son of Mahadeo Singh Resident of Village Mander, P.O. Mirzapur, P.S.- Nabinagar, District- Aurangabad.
30. Ranjit Kumar Son of Braj Nandan Patel Resident of Village Basauli, P.S.- Rajapakar, District- Vaishali.
31. Upendra Baitha Son of Dashrath Baitha Resident of Village Gariba, P.O. Gariba, P.S. Kalyanpur, District- East Champaran.
32. Rajesh Kumar Son of Sri Yogendra Kumar Resident of Janki Bhawan, Teacher Colony, Near Bus Stand, P.O. Rajgir, P.S.- Rajgir, District- Nalanda.
33. Sahjanand Kumar Son of Sri Lalitesh Kumar Resident of Mohalla New Adarsh Colony, Police Station Agamkuan, District- Patna.

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Director, Research and Training, Department of Education, Patna.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 13396 of 2021

1. Umesh Mahto Son of Ramdeo Mahto Resident of Village Bista, P.O. Mushahamiya, P.S.- Sonbarsa, District- Sitamarhi.
2. Dinbandhu Son of Surydeo Sah At P.O.- Yogiwana Bazar, P.S. Bathnaha,



District- Sitamarhi.

3. Md. Nazir Hayat Son of Md. Zubair Alam, Resident of Village- Mainpur,
P.O. Kujri, P.S.- Palasi, District- Araria.

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Department of Education,
Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar,
Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Director, Research and Training, Department of Education, Patna.

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 12605 of 2021)

For the Petitioners : Mr.Siya Ram Shahi (Advocate)

For the Respondents : Mr.Subhash Chandra Mishra (SC 16)

: Mr.Samir Kumar (AC to SC 16)

(In Civil Writ Jurisdiction Case No. 13396 of 2021)

For the Petitioners : Mr.Siya Ram Shahi (Advocate)

For the Respondents : Mrs.Binita Singh (SC 28)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 01-10-2021

Heard Mr. Siya Ram Shahi, learned counsel for the petitioners in both the cases, Mr. Subhash Chandra Mishra, learned SC 16 assisted by Mr. Samir Kumar, learned AC to SC 16 and Mrs. Binita Singh, learned SC 28 have represented the State of Bihar in C.W.J.C. No. 12605 of 2021 and C.W.J.C. No. 13396 of 2021 respectively.

2. In both these applications, following is the reliefs which the petitioners are seeking:-



“(i) For issuance of an appropriate writ/writs in the nature of certiorari for quashing letter numbers 197, 199 & 200, all dated 29.06.2021 issued under the signature of Director, Research & Training, & Department of Education, Patna (Respondent no.4), whereby and where under petitioners have been transferred in different teachers training colleges, whimsically and arbitrarily, without any reason and in teeth of the rules.

(ii) For any other writ/writs, order/orders which the petitioners may found to be entitled in the facts and circumstances of the case.”

3. The petitioners claim is apparently based on the fact that they were working as Lecturers in different Teachers Training Colleges prior to coming into force of Bihar Education Service Rules, 2014 (in short Rules). In a separate judgment delivered today (01.10.2021) in C.W.J.C. No. 3846 of 2017 and its other analogous cases, it has been held that posting of the petitioners and other similarly situated persons in different Teachers Training Colleges was in the nature of deputation and by operation of Rule 27 of the Rules, they were required to be reverted back to their service/cadre.



4. In my opinion, in view of the decision rendered in C.W.J.C. No. 3846 of 2017 (supra) no relief which the petitioners are seeking can be granted.

5. These writ applications are disposed of with a direction to the Principal Secretary, Department of Education, Government of Bihar to take a final decision in respect of the petitioners and other similarly situated persons in accordance with Bihar Education Service Rules, 2014.

(Chakradhari Sharan Singh, J)

AKASH/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.10.2021
Transmission Date	N/A

