

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2945 of 2021

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Bihar State Urdu Teachers Association, Bihar Through its General Secretary Md. Shafique, aged about 30 years, (Male), Son of Md. Serajuddin, resident of Jainagar, Mansahi, Post- Mansahi, Police Station- Mansahi, District- Katihar, Bihar- 854103.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Education Department, Government of Bihar, Secretariat, Patna.
2. The Additional Principal Secretary Education Department, Government of Bihar, Secretariat, Patna.
3. The Deputy Secretary Education Department, Government of Bihar, Patna.
4. The Director Secondary Education, Government of Bihar, Patna.
5. The Director Primary Education Government of Bihar, Patna.
6. The Director Urdu Raj Bhasha Directorate, Government of Bihar, Patna.
7. The State Project Director Bihar Education Project Council, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar Sinha, Advocate
For the Respondent/s	:	Mr. Ajay Kumar Rastogi, AAG-10
		Mr. Shashi Shekhar Tiwari, Advocate

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 29-06-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“For setting aside the notification of
Education Department of Government of



Bihar vide memo no. 1021 dated 31.07.2020 issued by the seal and signature of Deputy Secretary, Education Department, whereby and whereunder the 6th phase selection and employment of secondary Teacher and higher secondary have to be made in the Government schools of Bihar run under Nagar Nikay and District Council in view of Bihar District Council Secondary and Higher Secondary Teacher (Employment and service conditions) Rule, 2006 and Bihar Nagar Nikay Secondary and higher secondary (Employment and Service Conditions) Rule, 2006 till 26.08.2020 and 28.08.2020 respectively without appreciating and following the norms and condition as notified by the State Government vide memo no. 799 dated 15.05.2020 with regard to removal of subject discrepancies, advertising the vacant posts of the concerned subjects and posting of teachers for second language in Secondary Schools and Higher Secondary Schools as well as ignoring the facts with regard to the status of “Urdu” as second State Language vide Section-3 of Bihar Rajbhasha (Amendment) Act, 1981 which warrants selection and employment of Urdu teachers for secondary and higher secondary classes in the schools by giving it identity of separate subject as like as the subject of Hindi, English, Mathematics and Etc.

ii. To hold and declare the notification with regard to selection and employment of teachers for secondary and higher classes in the schools of Bihar run under Nagar Nikay and District Council



for 6th phase was communicated vide memo no. 11/Niyojan 02-01/2019. 799 dated 15.05.2020 as null and void because it does not mandate the obligation of the State Government for implementing Urdu language being a Second State Language and the contents of notification itself do not disclose the connotation of second language as specifically, so bears infirmity.

Iii. For directing the respondent authority to take appropriate steps by way of correction by inserting “Urdu” as one of the subject in the “Bihar District Council Secondary and Higher Secondary Teacher (Employment and Service Conditions) Rule, 2006” and “Bihar Nagar Nikay Secondary and higher Secondary (Employment and Service Conditions) Rule, 2006” as same as the subject of Hindi, English and etc., for development and growth of Urdu language and literature because its protection, conservation, development and maintenance is necessary in view of its status being a Second State Language of the State of Bihar.

iv. For directing the respondent authority to find out the number of boys and girls who studying Urdu and/or intends to study Urdu in Primary/Secondary School Level and Higher Secondary Level in the entire Primary/Secondary School and Higher Secondary school running under the Control and Management of Bihar Government and further direct them to notify the respective sanctioned post upon that basis.

v. For directing the respondent authority for determining and sanctioning



the post of Urdu Teacher by considering the arrangement of sections in the same class where the number of boys and girls are larger than 60, who studying Urdu in the Primary/Secondary Classes and higher secondary classes in the Secondary and higher secondary schools under the control and management of Bihar Government and if it is found that more teachers for Urdu subject is required on the basis of respective number of students in the specific primary/secondary and Higher secondary school then the limit of 3 teachers for one subject be relaxed and further be provisioned for selection/employment/appointment of more teachers for the same.

vi. For directing the respondent authority concerned for advertising the vacant posts of teachers for “Urdu” subject for secondary and higher Secondary classes of the schools run under District Council and Nagar Nikay in the State of Bihar as like as the post of teachers of other subjects such as Hindi, English, Mathematics, Sciences, Social Sciences and etc.

vii. For directing the respondent authority to stay the selection and employment process of teachers is going on for secondary and higher secondary classes concerned to 6th phase in the schools of Nagar Nikay and District Council in the State of Bihar under the control and management of Government of Bihar, unless and until, Urdu subject in not provisioned in the employment Rule, 2006 for secondary classes and higher secondary classes and consisting vacancy



concerned to respective post of Urdu teachers is not notified as separately in the same manure of other subjects.

Viii. For any other relief or reliefs which petitioner may be entitled to.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and



dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits.
All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;



The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena

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

