

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10529 of 2020

1. Gautam Kumar S/o Vinay Mandal Resident of Village- Pipradih, P.O.- Morma, P.S.- Rajaun, District- Banka (Bihar).
2. Sima Kumari D/o Moti Rai Resident of Village and P.O.- Chiyahi Kachehri Tola, P.S.- Rajaun, District- Begusarai (Bihar).
3. Abhilasha Dixit D/o Mahendra Singh Resident of Village- Itahari, P.O.- Fudkichak, P.S.- Gogri, District- Khagaria (Bihar).
4. Anita Kumari D/o Chhatradhari Singh Resident of Village- Maujma, P.O.- Dhanav Gaur, P.S.- Sangrampur, District- Munger (Bihar).
5. Pravesh Kumar S/o Chandradev Prasad Singh Resident of Village- Kashipur, P.O.- Kadwa Diyara, P.S.- Navgacchiya, District- Bhagalpur (Bihar).
6. Anurag Paswan S/o Naresh Paswan Resident of Village- Basantpur Dogadhi, P.O.- Fatehpur, P.S.- Nathnagar, District- Bhagalpur (Bihar).
7. Hemlata Kumari D/o Durga Prasad Mehta Resident of Village- Maheshpur, P.O.- Aliganj (Bhirjib hat) P.S.- Mujatidpur, District- Bhagalpur (Bihar).
8. Gaurav Kumar 1 S/o Durga Prasad Mehta Resident of Village- Maheshpur, P.O.- Maheshpur, P.S.- Kodha, District- Katihar (Bihar).
9. Gauri Shankar Singh S/o Bindeshwari Prasad Singh Resident of Village- Sahauri, P.O.- Madhwa Jairampur, P.S.- Bihpur, District- Bhagalpur (Bihar).
10. Nutan Kumari D/o Jugeshwar Sah Resident of Village- Aliganj Amba Bhang, P.O.- Mirjani Hat, P.S.- Mujatipur, District- Bhagalpur (Bihar).
11. Rajesh Kumar S/o Rajendra Prasad Sah Resident of Village- Mundichak, P.O.- Ishakchak, P.S.- Ishakchak, District- Bhagalpur (Bihar).
12. Richa Kumari D/o Gaya Prasad Sah Resident of Village- Aliganj Datwar Road, P.O.- Mirjinhari Hat, P.S.- Mujahidpur, District- Bhagalpur (Bihar).
13. Gaurav Kumar II Son of Krishnanand Prasad Resident of Bariyarpur, P.S.- Bariyarpur, District- Munger (Bihar).
14. Sanjeev Kumar Ranjan Son of Janardan Prasad Resident of Village and P.O.- Bai, P.S.- Pana, District- Bhagalpur (Bihar).
15. Sunanda Kumari D/o Brahmdeo Prasad Kushwaha Resident of Jai Prakash Nagar, College gate, P.S.- Purnia, P.S.- K. Haat, District- Purnia (Bihar).
16. Priyanka Kumari D/o Chhedi Prasad Singh Resident of Village- Sanhaula, P.O.- Sanhaula, P.S.- Karan, District- Katihar (Bihar).
17. Ghanshyam Prasad Son of Kanhaiya Lal Prasad Resident of Village- Birauli Bazar, P.S.- Rupauli, District- Purnia (Bihar).
18. Pintu Kumar Son of Janardan Prasad Yadav Resident of Village- Sondiha, P.S.- Pasraha, District- Khagaria (Bihar).
19. Pinki Kumari D/o Surendra Prasad Jaiswal Resident of Village- Birauli Bazar, P.S.- Rupauli, District- Purnia (Bihar).
20. Avinash Kumar Son of Okil Prasad Yadav Resident of Village- Sondiha, P.S.- Pasraha, District- Khagaria (Bihar).



21. Manjesh Kumar Son of Janardan Prasad Yadav Resident of Village- Sondiha, P.S.- Pasraha, District- Khagaria (Bihar).
22. Rajesh Rana Son of Mahadeo Singh Resident of Village- Parharia, P.S.- Shambhuganj, District- Banka (Bihar).
23. Juhi Kumari D/o Kailash Prasad Singh Resident of Village- Rupauli, P.S.- Rupauli, District- Purnia (Bihar).
24. Rinki Kumari D/o Surendra Prasad Jaiswal Resident of Village- Chapar, P.S.- Gopalpur, District- Bhagalpur (Bihar).
25. Shivani Kumari D/o Sikandar Mandal Resident of Village- Durgapur, P.S.- Bhawanipur, District- Purnia (Bihar).
26. Uday Shankar Jaiswal Son of Surendra Prasad Jaiswal Resident of Village- Chapar, P.S.- Gopalpur, District- Bhagalpur (Bihar).
27. Nitish Kumar Son of Shambhu Prasad Mandal Resident of Village- Durgapur, P.S.- Bhawanipur, District- Purnia (Bihar).
28. Kundan Kumar Son of Shambhu Prasad Mandal Resident of Village- Durgapur, P.S.- Bhawanipur, District- Purnia (Bihar).
29. Ratan Kumar Son of Jagdish Jha Resident of Village- Banki, P.S.- Rupauli, District- Purnia (Bihar).
30. Randhir Kumar Son of Chandrashekhar Paswan Resident of Village- Mundichak, P.S. and District- Bhagalpur (Bihar).
31. Amit Kumar Ram Son of Anil Ram Resident of Dhari Khanjarpur, P.S.- Tilkamanjhi, District- Bhagalpur (Bihar).
32. Krishna Mohan Jha Son of Shyamanand Jha Resident of Village- Panchrukhi, P.S.- Shahkund, District- Bhagalpur (Bihar).
33. Jitendra Kumar Paswan Son of Shivnarayan Paswan Resident of Village- Kajrauli, P.S.- Shahkund, District- Bhagalpur (Bihar).
34. Archana Kumari D/o Ranjan Kumar Paswan Resident of Jabariapur, P.S.- Tilkamanjhi, District- Bhagalpur (Bihar).
35. Priya Ranjan Son of Vijay Shankar Bhagat Resident of Vikramshila, P.S.- Vikramshila, District- Bhagalpur (Bihar).
36. Chandan Kumar Son of Rajendra Paswan R/o Waripur, P.S.- Tilkamanjhi, District- Bhagalpur (Bihar).
37. Pramod Kumar Paswan Son of Rajendra Paswan R/o Waripur, P.S.- Tilkamanjhi, District- Bhagalpur (Bihar).
38. Rajiv Kumar Son of Surendra Mishra Resident of Village- Jabariapur, P.S.- Tilkamanjhi, Bhagalpur, District- Bhagalpur (Bihar).
39. Sita Kumari D/o Ramdeo Mandal Resident of Village- Jabariapur, P.S.- Tilkamanjhi, Bhagalpur, District- Bhagalpur (Bihar).
40. Suman Kumar Son of Bhuttu Paswan Resident of Village- Jabariapur, P.S.- Tilkamanjhi, Bhagalpur, District- Bhagalpur (Bihar).
41. Kumari Nidhi Jha R/o Vill. and P.O.- Vishnupur, P.S.- Parbatta, Dist.- Khagaria, (Bihar).

... .. Petitioners



Versus

1. The State of Bihar Through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate Bhagalpur.
5. The District Education Officer Bhagalpur.
6. The District Program Officer (Establishment) Bhagalpur.
7. The Block Development Officer Shahkund, District- Bhagalpur.
8. The Block Education Officer Shahkund, District- Bhagalpur.
9. The Chairman Prakhand Niyojan Samiti, Shahkund, District- Bhagalpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Lalan Kumar
For the Respondent/s : Mr. Sanjay Kumar, A.C. to G.P.-23

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA)

3 27-04-2022 Heard learned counsel for the petitioners and learned
A.C. to G.P.-23 for the State.

Learned counsel for the petitioners is directed to
comply with the Office notes dated 12.03.2022.

The petitioners, by way of this writ petition, have
prayed for the following reliefs:

(A) In the nature of mandamus directing and commanding the respondent authorities to employ the petitioners as a Prakhand Teacher in accordance with law who were a candidate of Prakhand Teacher since 2008 at Shahkund Block in the District of Bhagalpur against the vacancy of year



2008 which has remained vacant till date.

(B) In the nature of mandamus directing and commanding the respondent authorities to implement the order passed in Appeal No. 175/09 as contained in Memo No. 306 dated 27.05.2010 issued under the signature of District Teachers Employment Appellate Authority, Bhagalpur whereby and whereunder it was directed to the Niyojan Samiti, Shahkund to employ the petitioners making a fresh merit list in accordance with law.

(C) In the nature of mandamus for a direction to all the concerned authorities to coordinate and issue employment letter to the petitioners since same has remained pending even after a decade.

(D) For any other relief for which the petitioners are entitled in the facts and circumstances of the instant case.

It is the case of the petitioners that the District Teachers Employment Appellate Authority had passed an order dated 27th May, 2010 (Annexure-1) for operating the select list which was prepared for making selections on the post of Prakhanda Teacher at Shahkund Block in the district of Bhagalpur and the said order has not been implemented even till date. It is stated that the petitioners have attempted to get the order implemented and have approached before several government authorities for the same.

This Court notices that none of the petitioners have



stated as to whether they had applied for the said post nor their names have been mentioned in the merit list which was prepared in the year 2008. It is an admitted position that the merit list which was prepared and was under scrutiny before the Appellate Authority has not been implemented for more than 12 years. The writ petition has been filed in the year 2020 for implementation of the order passed in the year 2010. No reasons have come forward from the petitioners to approach the Court earlier. It is also noticed that none of the petitioners was party to the case before the Appellate Authority.

Thus, this Court finds that the petitioners had never raised any voice against the merit list which was prepared in the year 2010 and have been sleeping over for their rights, if any, for almost 10 years. Persons who are sitting on the fence cannot be allowed to join the game midway. The writ petition also suffers from gross laches and delay.

Accordingly, it is dismissed.

(Sudhir Singh, J)

(Sanjeev Prakash Sharma, J)

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