

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2600 of 2018

1. Dheerendra Kumar and Ors Son of Ram Yatan Sharma Resident of Mohalla-Kaushik Nagar, P.O and Police- Hilsa, District- Nalanda.
2. Pankaj Kumar Son of Basant Sharma Resident of Village- Sadarpur, P.O. Niria Tulsipur, Police Station- Chiksoura, District- Nalanda.
3. Ajit Kumar Son of Ravindra Prasad Resident of Village and P.O. Juniya, Via- Ekangarsarai, Police Station- Hilsa, District- Nalanda.
4. Prakash Kumar Son of Ramavatar Sharma Resident of Village- Kanauji, P.O. Manoharpur, Police Station- Goplar, District-Patna.
5. Rajnish Kumar Son of Bindeshwari Prasad Resident at Bihari Road, Kazibazar Hilsa, Police Station- Hilsa, District- Nalanda.
6. Sudeep Shekhar Son of Shivjee Prasad Resident of Bihari Road, Kazibazar Hilsa, Police Station- Hilsa, District- Nalanda.
7. Vibha Kumari D/o Ram Saran Prasad Resident of Village- Fagunipar, P.O. Mdanpur, Police Station Ekngarsarai, District- Nalanda.
8. Prakash Chandra Son of Krishna Nandan Prasad Resident of Village- Jogiya, P.O. Alwan, Police Station- Parwalpur, District- Nalanda.
9. Anuj Kumar Son of Sukhdev Prasad Resident of Village- Akbarpur, P.O. Akbarpur, Police Station- Hilsa, District- Nalanda.
10. Kumari Nirma Sinha D/o Anil Kumar Sinha Resident of Village- Rupaspur, P.O. Islampur, Police Station- Khudaganj, District- Nalanda.
11. Vina Kumari D/o Rajendra Prasad Resident of Village and P.O. Dhangawan, Police Station- Telhara, District Nalanda.
12. Bablu Kumar Son of Subhash Yadav Resident of Kausik Nagar, Police Station- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna
2. The Principal Secretary, Human Resources Department, New Secretariat, Govt. of Bihar, Patna.
3. The Joint Secretary, General Administration Department, Old Secretariat, Government of Bihar, Patna
4. The Director, Secondary Education, New Secretariat, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate
For the Respondent/s	:	Mrs. Shilpa Singh, GA-12
		Ms. Abhanjalli, AC to GA-12



**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

4 19-07-2022 Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

1. That this is an application for issuance of a writ of certiorari for quashing the Memo No.1947 dated 9.12.2016 issued by Director, Secondary Education, Bihar whereby and whereunder the legal right granted to the Hons. Graduates candidates earlier provided additional 5 points in respect of their appointment on the post of teacher of High School and upgraded High School has been illegally withdrawn interalia the following **RELIEFS:-**

- I. Rule-6 Sub-Rule (IV) and (V) of amended/ modified teacher appointment rules 2016 be set aside/ declared ultra vires to Article 14 and 16 of the Constitution of India as well as against the spirit of provisions made in teacher appointment rules, 2006 and teacher appointment Rules, 2015 because Rules 6 and its Sub-Rule (IV) and (V) of the Teacher Appointment Rules, 2006 have been amended with Retrospective effect after selection of process has started.
- II. Rule-6 and its Sub-Rules (IV) and (V) of amended Rules 2016 of Teacher Appointment Rules be declared illegal and arbitrary because earlier teacher appointment rule was a very sound rule and there was no error at all hence appointment of teacher be directed to be made on the basis of previous teacher appointment rules.



- III. Memo No.1956 dated 13.8.2016 issued by Director Secondary Education Bihar, Patna be set aside whereby and whereunder 35% reservation has been directed to be provided for ladies and 2% of the Wards of the freedom fighters.
- IV. Impugned notification dated 27.4.2016 issued by Director Secondary Education Board set aside.
- V. Respondent authorities be directed to make appointment of the petitioners and such others on the basis of teacher appointment Rules 2006 and Rules 2015 on the ground that the process of appointment of teachers and such others have already been initiated in this state since 2012 hence the amended Rule 2016 be declared as invalid on the ground that it can not be enforced with retrospective effect as per letter no.11 dated 25.11.2012 issued by Joint Secretary General Administration Department.
- VI. That respondent authorities be directed to fill up the vacancy of teachers which occurred till December, 2016 or till the date of appointment from the vacancies occurred even in newly upgraded Govt. High Schools and other schools.
- VII. Respondent authorities be directed to appointment the petitioners and such other trained aspirants (STET successful candidates) after preparing a panel in order of merit till 2016 as sessions wise (as per Teachers Training Sessions).



Learned counsel for the petitioners seeks permission
to withdraw the present petition.

Permission granted.

The present petition stands disposed of as withdrawn.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./Amrendra

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