

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3531 of 2018

In
Civil Writ Jurisdiction Case No.5188 of 2009

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1. Amrendra Kumar, Son of Late Baldeo Prasad Jha, Resident of Village- Jagannathpur, P.S. Rajoun, District- Banka.
 2. Sudhir Kumar, Son of Late Bhubneshwar Yadav, Resident of Village- Tahakumi, P.S. Chandan, District Banka.
 3. Jatashanker Kumar, Son of Late Subhash Chandra Kumar, Resident of Village- Khagra, Via- Navgachhia, P.S. Parvatta, District- Bhagalpur.
 4. Pramod Kumar, Son of Late Yogendra Thakur, Resident of Village- Parsa, P.S. Dhoria, District Banka.
 5. Alok Kumar, Son of Late Rajendra Prasad Singh, Resident of Village- Pararia, P.S. Shambhuganj, District- Banka.
 6. Suman Kumar, Son of Late Ram Narayan Singh, Resident of Village- Mohanpur, P.S. Shambhuganj, District- Banka.
 7. Babul Shekha, Son of Late Premlata Kumari, Resident of Village- Kushmaha, P.S. District- Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mr. R.K. Mahajan, Principal Secretary, Education Department, Bihar, Patna.
3. Mr. Amir Subhani, Principal Secretary, General Administration Department, Bihar, Patna.
4. Mr. Arvind Kumar Verma, the Director, Primary Education, Education Department, Bihar, Patna.
5. Mr. Kundan Kumar, the District Magistrate, Banka.
6. Mr. Dev Narayan Pandit, the District Programme Officer est., Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Prakash Verma, Advocate
For the Opposite Party/s : Mr. Ashutosh Ranjan Pandey - AAG 15

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 11-05-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

In compliance of the order dated 11.10.2022, the



Director, Primary Education is present physically in the Court today.

Learned counsel for the State, at the outset, submits that the order of the writ court stands complied. It is next submitted that the learned writ court while disposing of the writ application had specifically directed the respondents to ensure that petitioners are given regular pay scale in accordance with law from the date of appointment along with arrears. It is further submitted that the petitioners were appointed on compassionate ground as contractual teachers on a fix scale of pay of Rs. 4,000/-, the petitioners being aggrieved by the appointment as contractual teacher on fixed pay scale approached this Court by filing the instant writ application i.e., CWJC No. 5188 of 2009. It is submitted that CWJC No. 5188 of 2009 was disposed of by order dated 23.04.2009 in the aforesaid terms as recorded hereinabove. It is next submitted that the petitioners were regularised on Class-III post in the year 2019 in a regular pay scale. It is submitted that arrears from 2007 till 2023 have already been paid to the petitioners and now the petitioners are getting regular pay scale.

Learned counsel for the petitioners submits no doubt the petitioners have been regularised on class-III post in a



regular pay scale but then they have been regularised as Lower Division Clerk, when they were appointed as contractual teacher and worked as contractual teachers for nearly more than 12 years and even took training but when issue of regularization arose, they were regularised as LDC.

Learned counsel for the State rebuts the submission of the learned counsel for the petitioners and submits that the order of the writ court nowhere records that on what post the petitioners were appointed rather what the Court directed was to ensure that the petitioners are regularised on a Class-III post in a regular pay scale and that having been done and the arrears being paid, no contempt is made out. It is also submitted that the petitioners no doubt were appointed as contractual teachers but if they were not aggrieved by their appointment on compassionate ground as contractual teacher then they ought not have moved this Court by filing CWJC No. 5188 of 2009.

Be that as it may, the Court, in view of the submissions made by the learned counsel for the State, is not inclined to proceed with the contempt application.

The contempt application is dismissed.

However, the same would not preclude the petitioners from availing their remedy available in law, in the event if they



are aggrieved in any manner for the reason that despite working as teachers they were regularised as LDC.

The personal appearance of the Director, Primary Education is dispensed with.

(Satyavrat Verma, J)

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