

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10782 of 2015

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1. Lallan Kushwaha and Ors son of Shri Chandeshwar Bhakta, resident of village P.O.- Don, P.S.- Darauli, District- Siwan. At present posted and working as Prakhanda Teacher in Government Middle School, Don, Block- Darauli, District- Siwan.
 2. Ram Sagar Yadav, son of Shri Ramadhar Yadav, resident of village- Darauli Mathia, P.O.- Darauli Mathia, P.S.- Darauli, District- Siwan. At present posted and working as Prakhanda Teacher in Government Upgraded Middle School Chandaury, Block- Darauli, District- Siwan.
 3. Ashutosh Kumar Singh, son of Shri Vijay Bahadur Singh, resident of village P.O.- Don, P.S.- Darauli, District- Siwan. At present posted and working as Prakhanda Teacher in Government Middle School, Don, Block- Darauli, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Bihar, Patna.
4. The District Magistrate, Siwan.
5. The District Education Officer, Siwan.
6. The District Programme Officer Establishment, Siwan.
7. The Block Education Officer, Darauli.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Adv.
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, AAG 13
		Mr. Rajat Kumar Tiwary, AC to AAG 13

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 17-02-2023

1. The petitioners by way of this writ petition have prayed as under:

“(i) For issuance of an appropriate writ in the nature of certiorari for quashing the part of Rule 15 (Ch) (iii) of the Bihar Panchayat Elementary Teachers (Employment & Service Conditions) Rules, 2012 (hereinafter referred to as



'the 2012 Rules') by which it has been mentioned that such trained teachers, who have remained in Graduate Trained Salary, will be given the fixed salary of Headmaster on the basis of their seniority without appreciating the fact that the petitioners who have been selected as Panchayat Shiksha Mitra in the year 2005 having the qualification of a post graduate and since 01.07.2006 they became Panchayat/Prakhand Teachers in their respective schools having the qualification of post graduate trained.

(ii) For issuance of an other appropriate in the nature of mandamus for commanding and directing the respondent authorities concerned to provide the seniority of the petitioners as they have been appointed as Panchayat Shiksha Mitra in the year 2005 and since 01.07.2006 they have become Panchayat/Prakhand Teacher having the qualification of post graduate trained and subsequently they have also passed teachers evaluation test conducted by the State Government.

(iii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to provide the fixed salary of the headmaster of middle school as they are discharging their duties since



2005 and having the requisite qualification for the fixed salary of headmaster.

(iv) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioners will be found entitled in the facts and circumstances of the case.”

2. Considering it that this matter is covered by the Judgment dated 23.02.2022, passed in **C.W.J.C. No. 5489 of 2020 (Suresh Ram Vs. The State of Bihar & Ors.)** and connected matters reported in **2022 (2) B.L.J. 381, 2022 (2) P.L.J.R. 80** and the Judgment dated 07.03.2022, passed in **C.W.J.C. No. 34 of 2022 (Minakshi @ Sushre Minakshi & Anr. Vrs. The State of Bihar & Ors.)**, this writ petition is dismissed with liberty to file appeal before the concerned District Appellate Authority and the same shall be decided preferably within a period of eight months. However, the issue of limitation shall not come in the way of adjudication of the appeal on merits if the same is preferred within a period of four weeks.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 71

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