

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8061 of 2019

1. Ashok Kumar Yadav Son of Sri Vakil Yadav Resident of Village-Ghosai, P.S. and Block-Chousa, District-Madhepura.
2. Anil Kumar Yadav Son of Fulchand Yadav Resident of Village-Tirasi, P.S. and Block-Chausa, District-Madhepura.
3. Shrawan Kumar Son of Tarni Prasad Singh Resident of Village-Gandhi Tola, P.S. and Block-Chausa, District-Madhepura.
4. Kundan Kumar Son of Sri Surendra Bhagat Resident of Village-Kalasan, P.S. and Block-Chausa, District-Madhepura.
5. Sawarn Kiran Son of Sri Sachchidanand Sharma Resident of Village-Ghosai, P.S. and Block-Chausa, District-Madhepura.
6. Shashi Kant Sharma Son of Sri Umesh Prasad Sharma Resident of Village-Ghosai, P.S. and Block-Ghausi, District-Madhepura.
7. Sanjay Kumar Sharma Son of Late Saryug Sharma Resident of Village-Ram Charan Tola, Morsanda, P.S. and Block-Chausa, District-Madhepura.
8. Pawan Kumar Son of Kamleshwar Prasad Sharma Resident of Village-Chotki Barhauna, P.S. and Block-Chausa, District-Madhepura.
9. Budhadeo Kumar Pandit Son of Anup Pandit Resident of Village-Phulot, P.S. and Block-Chausa, District-Madhepura.
10. Md. Manzoor Alam Son of Md. Ibrar Alam Resident of Village-Paina, P.S. and Block-Chausa, District-Madhepura.
11. Shri Kant Mandal Son of Sahdeo Mandal Resident of Village-Dhaneshpur Parwatta Tola, P.S. and Block-Chausa, District-Madhepura.
12. Roshan Kumar Son of Kailash Mehta Resident of Village-Fulot Purvi, P.S. and Block-Chausa, District-Madhepura.
13. Pappu Kumar Sharma Son of Sri Laxman Prasad Sharma Resident of Village-Kishanpur Ratwara, P.S. Ratwara, Block-Alam Nagar, District-Madhepura.
14. Md. Mustaque Ali Son of Md. Siddique Ali Resident of Village-Babhangama, P.S. and Block-Bihpur, District-Bhagalpur.
15. Kishwar Jahan Wife of Md. Aowesh Khan Resident of Village-Babhangama, P.S. and Block-Bihpur, District-Bhagalpur.
16. Md. Ehatasham Son of Md. Nazamuddin Resident of Village-Pathan Tola, Babhangama, P.S. and Block-Bihpur, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.



2. The Principal Secretary, Department of Human Resources Development, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Qumrul Hoda

For the Respondent/s: Mr.Prabhakar Jha (Gp27)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL JUDGMENT

Date : 08-12-2023

1. The petitioners have filed the present writ application challenging the order dated 18.12.2013, passed by the Principal Secretary, Education Department, Government of Bihar, whereby the claim of the petitioner for absorption/regularization on the post of *Lok Shikshak* has been rejected.

2. The brief facts of the case are that the petitioners were appointed as *Lok Shikshak* for 11 months on contractual basis in the year, 2003 at par with *Shiksha Mitra*.

3. Learned counsel for the petitioners submits that *Shiksha Mitra* has been absorbed as *Panchayat Teacher*, after coming into force ***Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rule, 2006 (hereinafter referred to as “the Rule, 2006”)*** but the petitioners have not been considered for absorption/ regularization.

4. Pursuant to the order passed by a co-ordinate Bench of this Court in C.W.J.C. no. 14493 of 2008 and the



claim of regularization/ absorption of the petitioners has been rejected on 19.12.2013. This writ application has been filed after 06 years, in the year 2019, seeking absorption/ regularization as *Panchayat* Teacher, relying upon a judgment passed by a co-ordinate Bench of this Court in C.W.J.C. no. 1109 of 2017.

5. Learned counsel further submits that while rejecting the claim of the petitioner, certain relaxation and weightage of marks has been provided to the *Lok Shikshak* in the matter of selection of *Panchayat* Teacher as per ***Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rule, 2012***.

6. Learned counsel for the State submits that Rules have been amended from time to time and now ***Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rule, 2023*** for appointment of Teachers have been framed and as per the said Rule, the appointment of teachers shall be made on regular basis through open competitive examination held by Bihar Public Service Commission.

7. In view of the rival submissions made by the parties and the fact that the claim of absorption of the petitioners in C.W.J.C. no. 1109 of 2017 was rejected as also considering the fact that now ***Bihar Panchayat Elementary Teachers (Employment and Service***



Conditions) Rule, 2023 has come into force for appointment of Teachers on regular basis, no relief can be granted to the petitioner.

6. The present writ application is accordingly, dismissed.

(Anil Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.12.2023
Transmission Date	NA

