

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12046 of 2015

1. Ram Chandra Roy son of Late Sato Roy, At Sikanderpur, P.O. Rajaura, District- Begusarai.
2. Mukesh Kumar Jaiswal, son of Suresh Prasad Jaiswal, At Tingharia, P.O.- A.G. Bazar, P.S. Kursela District- Katihar.
3. Shambhu Kumar Yadav, son of Satyanarayan Yadav, At- Garibtola, P.O.- Bharrahi Bazar, District- Madhepura.
4. Rajan Kumar Raju, son of Kirti Narayan Mandal, AtP.O.- Gamhariya, P.S.- Gamhariya, District- Madhepura.
5. Sandeep Kumar, son of Jyotindra Narayan Singh, At- Ashok Nagar Pokharia, Ward No.37, Near Harijan School, District- Begusarai.
6. Raman Kumar Jha, son of Subodh Jha, AtP.O.- Lagma Via- Sonvarsa Raj, District- Saharsa.
7. Ashok Poddar son of Sonelal Poddar AtP.O.- Bari Ballia, Via- Lakhminia District- Begusarai.
8. Sushil Kumar, son of Kapildeo Prasad Yadav, AtP.O.- Rouda, Via- Kumarkhand, District- Madhepura.
9. Baikunth Bihari Bhagat, son of Braj Bihari Bhagat AtP.O. Kumnar, Durganj, Thana- Kadwa, District- Katihar.
10. Mukesh Kumar, Son of Ganesh Prasad Mehta, C/o Sri Binay Kumar Singh, Patel Chowk, Ward No. 13, North Hajipur District- Khagaria.
11. Rupesh Kumar Singh, son of Vijay Kumar Singh, Village- Bathoura, P.O.- Salmari, District- Katihar.
12. Satyam Kumar Singh, son of Ramesh Singh, VillagerP.O.- Indaur, P.S.- Dinara, District- Rohtas.
13. Rajesh Kumar Prajapati, son of Ram Krit Prajapati, Village- Bhundi Tekari, P.O.- Dadar, P.S.- Mohania, District- Kaimur.
14. Surendra Kumar son of Manoj Roy, Ajad Nagar, Mohanpur, Thana Muffasil District- Samastipur.
15. Chandra Prakash, son of Balak Giri, Village- Madhodih, P.O.- Satampur, P.S.- Ujionur, District- Samastipur.
16. Dilip Kumar Choudhary, son of Late Chandeshwar Choudhary, Village P.O.- Akaha, District- Samastipur.
17. Ramdeo Mehta, son of Late Bhagwat Mehta, Village- Toka Sihpur, P.O.- Sihpur, District- Madhepura.
18. Navneet Kumar Mishra, son of Vijay Kumar Mishra, At- Chamwaliya, P.O. Sirisiya, P.S. Bagaha, District- West Champaran.
19. Mrityunjay Kumar Son of Siyaram Prasad Yadav At Bhirkhi, P.O.- Madhepura, P.S.- Madhepura, District- Madhepura.
20. Md. Asifur Rahman, Son of Md. Motiur Rahman, Village Madargachhi, P.O.P.S. Abadpur, Via Barsoi, District- Katihar.



... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Secondary Education, Government of Bihar, Old Secretariat, Bihar, Patna.
3. District Education Officer, Begusarai.
4. District Education Officer, Bhagalpur.
5. District Education Officer, Katihar.
6. District Education Officer, Madhepura.
7. District Education Officer, Saharsa.
8. District Education Officer, Khagaria.
9. District Education Officer, Rohtas.
10. District Education Officer, Samastipur.
11. District Education Officer, West Champaran.
12. District Education Officer, East Champaran.
13. District Education Officer, Araria.
14. District Education Officer, Arwal.
15. District Education Officer, Aurangabad.
16. District Education Officer, Banka.
17. District Education Officer, Bhojpur.
18. District Education Officer, Buxar.
19. District Education Officer, Darbhanga.
20. District Education Officer, Gaya.
21. District Education Officer, Gopalganj.
22. District Education Officer, Jamui.
23. District Education Officer, Jahanabad.
24. District Education Officer, Kishanganj.
25. District Education Officer, Kaimur.
26. District Education Officer, Lakhisarai.
27. District Education Officer, Madhubani.
28. District Education Officer, Maunger.
29. District Education Officer, Muzaffarpur.
30. District Education Officer, Nalanda.
31. District Education Officer, Nawada.
32. District Education Officer, Patna.
33. District Education Officer, Purnia.
34. District Education Officer, Sheohar.



35. District Education Officer, Sheikhpura.
36. District Education Officer, Saran.
37. District Education Officer, Sitamarhi.
38. District Education Officer, Dupoul
39. District Education Officer, Siwan.
40. District Education Officer, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar Sinha
Mr.Indu Bhushan Pandey
For the Respondent/s : Mr. Sudhir Kumar Upadhyay, AC to GP 7

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 20-03-2023 Heard learned Counsel for the parties concerned.

The petitioners have approached this Court for a direction to the State authorities to ascertain the vacant post of Physical Teachers in all the secondary and upgraded schools and after notifying the vacant post of Physical Teachers, as per the reservation roaster, make appointment of Physical Teachers, including the petitioners.

Learned Counsel for the petitioners submits that the physical education, in the various upgraded schools, is not being imparted to the students. A large number of vacancy of Physical Teachers is available. He further submits that in the year 1988, an advertisement for appointment of 400 Physical Teachers was published, but since then, no appointment of Physical Teachers has been made in the schools.



Learned Counsel for the State, referring to the counter affidavit, submits that a committee was constituted for determination of number of teachers in the Higher Secondary Schools and the meeting of the committee was convened on 29.07.2022, in which, with regard to the physical education subject in the upgraded schools, it has been decided that the work of physical education in the newly established and upgraded schools shall be taken by the Physical Education Instructor, appointed in the middle schools. It has also been submitted by learned Counsel for the State that in those schools, where the play ground is available, recommendation has been made for providing post of physical teachers with the condition that in the premises of the upgraded school, if any middle school is functioning, in which the post of Physical Teacher Instructor is already there, in such schools, the work of physical education shall be taken from the Physical Teacher Instructor.

Having heard learned Counsel for the parties and taking into consideration the stand of the State Government and the fact that while sitting in the writ jurisdiction, the High Court cannot compel the State Government to advertise any post and make appointment on the said post, accordingly, I do not find any merit in this application.



This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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