

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1224 of 2023

1. Touhid Alam S/o-Hafiz Uddin, resident of Village-Buari, Ward No. 15, P.S.-Dagarua, Distt-Purnea, Pin-854326 (Bihar).
2. Soni Kumari, W/o Pradeep Kumar, resident of Sourajabar, P.S.-Dagarua, Distt-Purnea, Pin-854326 (Bihar).
3. Rafat Jahan, W/o Ahsan Hussain, Resident of Ward No-06, P.M.G.S.Y. Road, P.S.-Dagarua, District-Purnea, Pin-854330 (Bihar).
4. Saira Bano, W/o Md. Adil Saba Ansari, resident of Khazanchi Hat, P.S.-K. Hat, Dagarua, Distt-Purnea, Pin-854301 (Bihar).
5. Bandana Kumari W/o Sunil Kumar, Resident of Budhiya Gola, Dhanakatta, Sarsi, Dagarua, P.S.-Sarsi, Distt-Purnea, Pin-854206.
6. Kanchan Kumari, W/o Dinesh Paswan, Resident of Bageshwari Asthan, P.S.-Sadar, Distt.-Purnea.
7. Latifa Khatoon, W/o Md. Mohsin, resident of Ward No. 12, Gandwas, Belgacchi, P.S.-Dagarua, Distt. Purnea, Pin-854315.
8. Jyoti Kumari, W/o Prabhu Kumar, resident of Bari Haat, Near Dr. N.N. Pandit, Line Bazar, P.S.-K. Hat, Distt. Purnea, Pin-854301.
9. Beauty Begam, W/o Zamirul Hussain, Resident of Village-Kusyari, P.S.-Pothisya, Distt.-Kishanganj, Pin-855117.
10. Md. Ashfaque Alam, S/o Md. Manirul Haque, Resident of Talkhari, P.S.-Kasba, Distt. Purnea, Pin-854330.
11. Shailesh Kumar Ram, S/o Ramu Ram, Resident of Chikni, Barsauni, P.S.-Dagarua, Distt-Purnea, Pin-854326.
12. Shabana Perween, W/o Md. Sarwar Alam, Resident of Chakwa, P.S.-Dagarua, Distt.-Purnea, Pin-854326.
13. Bibi Sabiha Khatoon, W/o Md. Abbas, Resident of Belgachhi, P.S.-Dagarua, Distt.-Purnea, Pin-854315.
14. Bibi Rozi, W/o Nafees Anjum, resident of Village-Malhariya, Shakarbalia, P.S.-Dagarua, Distt.-Purnea, Pin-854315.
15. Pratibha Kumari, W/o Rajesh Kumar, Resident of Kochalli, P.S.-Dagarua, Distt.-Purnea, Pin-854326.
16. Md. Mashkur Reza S/o Md. Haroon, resident of Singhiya Thathol, P.S.-Dagarua, Distt.-Purnea, Pin-854315.
17. Rehana Perween, w/o Md. Anis, Resident of Village-Belgachhi, P.S.-Dagarua, Distt.-Purnea, Pin-854315.
18. Umita Devi, W/o Shravan Kumar Ray, Resident of Village-Gandwas, Belgachhi, P.S.-Dagarua, Distt.-Purnea, Pin-854315.
19. Bibi Mahjabin, W/o Abdur Rauf, Resident of Village-Fulpur, P.S.-Dagarua, Distt.-Purnea, Pin-854326.
20. Meena Kumari, W/o Jawahar Prasad, Resident of Village-latouna, P.S.-Dagarua, Distt.-Purnea.

... .. Petitioners

Versus



1. The State of Bihar through the Secretary, Education Department, Government of Bihar, Patna.
2. The Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Purnea, at and P.O.-Purnea.
5. The District Education Officer, Purnea.
6. The District Programme Officer (Establishment), Purnea, at and P.O. Purnea.
7. The Block Education Officer, Purnea.
8. The Bihar School Examination Board, Patna through its Chairman.
9. The Chairman, Bihar School Examination Board, Patna.
10. The Secretary, Bihar School Examination Board, Patna.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 8857 of 2022

1. Suman Kumar Rajak S/o Ganesh Rajak Resident of Millan Para Purnia East, Khushibag, P.S.- Sadar Thana, District- Purnia, Pin- 854305, Bihar.
2. Md. Abrar Ahmed S/o Md. Usman Resident of Villa Panisadra, P.S.- Baisi, District- Purnea, Pin- 854315, Bihar.
3. Binod Kumar Yadav S/o Panchalal Yadav Resident of Village Majhuwa, P.S.- Dagarua, District- Purnia, Pin- 854301, Bihar.
4. Punam Kumari W/o Santosh Kumar Raman Resident of Kulla Khas, P.S.- Kasba, District- Purnia, Pin- 854330, Bihar.
5. Md. Abrar Alam S/o Md. Ebrahim, Resident of Vill- Pachera Araria, P.S. Raniganj, District- Purnia, Pin- 854334.
6. Anurupa Kumari W/o Rudal Kumar Roy Resident of Villa Gnagaon, P.S.- Baisi, District- Purnia, Pin- 854315.
7. Ramdev Raman S/o Bengali Paswan, Resident of Village Taranagar, P.S.- Kasba, District- Purnia, Pin- 854330.
8. Rajesh Kumar S/o Naresh Prasad Yadav Resident of Prabhat Colony, P.S.- K. Halt, District- Purnia, Pin- 854301, Bihar.
9. Md. Aftab Alam S/o Md. Salim Resident of Village- Jiyanganj, P.S.- Kasba, District- Purnia, Pin- 854330, Bihar.
10. Azhar Imam S/o Md. Sajjad Hussain, Resident of Village-Baisi Paharia, P.S.- Baisi, District- Purnia, Pin- 854315, Bihar.
11. Md. Meraj S/o Md. Saifuddin, Resident of Village-Sadhauli, P.S.- Kasba, District- Purnia, Pin- 854304, Bihar.
12. Shagufa Khatoon W/o Md. Sayeed Ansari, Resident of Matkopa, Jiyanganj, P.S.- Kasba, District- Purnea, Pin- 854330, Bihar.
13. Md. Arif S/o Md. Alauddin, Resident of Gandhi Nagar Tola, Alamnagar, Kulla Khas, P.S.- Kasba, District- Purnea, Pin- 854330, Bihar.
14. Shahina Parween W/o Md. Masoom Alam resident of Vill.- Chilhania, P.S.- Mahalgaw, Distt- Purnea.



... .. Petitioners

Versus

1. The State of Bihar through the Secretary, Education Department, Government of Bihar, Patna.
2. The Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Purnea at Purnea.
5. The District Education Officer, Purnea.
6. The District Programme Officer (Establishment), Purnea.
7. The Block Education Officer, Purnea.
8. The Bihar School Examination Board, Patna through its Chairman.
9. The Chairman, Bihar School Examination Board, Patna.
10. The Secretary, Bihar School Examination Board, Patna.

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 1224 of 2023)

For the Petitioners	:	Mr. Sushil Jhunjunwala, Advocate Mr. Santosh Kumar Sinha, Advocate Mr. Uttam Kumar Mishra, Advocate
For the State	:	Smt. Binita Singh, SC-28 Mr. Vivek Anand Amritesh, AC to SC-28
For the BSEB	:	Mr. Gyan Shankar, Advocate

(In Civil Writ Jurisdiction Case No. 8857 of 2022)

For the Petitioners	:	Mr. Sushil Jhunjunwala, Advocate Mr. Santosh Kumar Sinha, Advocate Mr. Uttam Kumar Mishra, Advocate
For the State	:	Smt. Binita Singh, SC-28 Mr. Vivek Anand Amritesh, AC to SC-28
For the BSEB	:	Mr. Gyan Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 25-08-2023 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Bihar School Examination Board (hereinafter referred to as the 'BSEB') in both the writ applications.

2. As prayed by learned counsel for the parties, since both the writ applications are involving the same and one issue, they are being considered and disposed of by this common



order.

3. The petitioners in these writ applications are seeking a direction to the respondent authorities to pay them the pay scale of trained teachers with all consequential benefits which, according to them, was approved w.e.f. May, 2017 i.e. the date of completion of Teachers' Training Course by them during the academic session 2013-15.

4. The petitioners claim that they stand on equal footing with those teachers who were petitioners in CWJC No. 16165 of 2019 and in whose cases, pursuant to the directions of this Court, the respondent authorities have decided to allow them the benefit of the trained scale w.e.f. the publication of their result. A copy of the order of this Court passed in CWJC No. 16165 of 2019 has been enclosed as Annexure '1' to the writ application.

5. The petitioners have also brought on record a list of teachers who are said to be similarly situated with the petitioners and have been conferred with the benefit of the pay scale of the trained teachers. The list is Annexure '4 Series' to the writ application.

6. Learned counsel for the petitioners has drawn the attention towards a communication contained in Annexure '5' to CWJC No. 1224 of 2023 which is a resolution of the State



Government in its Education Department with regard to payment of revised salary to the Niyojit Teachers in Panchayati Raj Institutions and Municipal Corporation Institutions.

7. A counter affidavit has been filed on behalf of the State. Learned counsel for the State has sought to distinguish the case of the petitioners and in this regard he relies upon the statements made in paragraphs ‘9’ and ‘10’ of the counter affidavit. The stand of the respondents in paragraphs ‘9’ and ‘10’ of the counter affidavit are taken note of hereunder:-

“9. That although the petitioners were admitted in Training Course in Session 2013-15 and their course was completed in May 2017 but they form a class within class by virtue of non-passing of 2nd and 3rd Semester examinations from those who have passed the 2nd and 3rd Semester examination in time. The dates given below are relevant for consideration:

2013	Petitioners admitted in Training Course Session 2013-15.
31.01.2015	1 st Semester examination held.
07.09.2015	2 nd Semester Examination held. Petitioners failed.
20.06.2016	3 rd Semester examination held. Petitioners failed.
May 2017	Training Course completed.
06.11.2018	Re-examination of 2 nd Semester held.
19.11.2018	Re-examination of 3 rd Semester held.
26.11.2018	4 th Semester examination held.
31.03.2019	Semester examination result published. Petitioners were declared pass.

10. That it is manifested from the above that the petitioner could not said that they had completed their Training course in May 2017 as they had failed in their 2nd and 3rd Semester examination held prior to



that. For others teachers who were admitted in session 2013-15 Training Course only 4th and final Semester examination was delayed and held in November 2018 and result was published in March 2019.”

8. Having regard to the case of the petitioners and the stand taken in the counter affidavit, this Court is of the considered opinion that some of the materials which have been brought on record by the petitioners are required to be looked into and considered by the respondents and take an appropriate view of the matter.

9. This Court, therefore, directs the respondents to consider the case of the petitioners, examine the same keeping in view the materials which have been enclosed with the writ applications and take an appropriate decision which should be reasoned one and communicated to the petitioners within a period of two months from the date of receipt/communication of a copy of this order.

10. These writ applications stand disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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