

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4373 of 2021

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. Jatashankar Kumar, Son of Late Subhash Chandra Kumar, resident of Village - Khagra, Via - Navgachhia, P.S. Parvatta, District - Bhagalpur.
4. Alok Kumar, Son of Late Rajendra Prasad Singh, resident of Village - Pararia, P.S. Shambhuganj, District - Banka.
5. Suman Kumar, Son of Late Ram Narayan Singh, resident of Village - Mohanpur, P.S. Shambhuganj, District - Banka.
6. Babul Shekhar, Son of Late Premlata Kumari, resident of Village - Kushmaha, P.S. Amarpur, District - Banka.
7. Bhaskar Kant Jha, Son of Late Sahdeo Jha, resident of Village - Athmaha, P.O. - Ranikitta, P.S. Amarpur, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
3. The Director, Department of Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Bhagalpur.
5. District Compassionate Committee, Banka, through the Chairman cum District Magistrate, Banka.
6. The District Magistrate, Banka.
7. The District Education Officer, Banka.
8. The District Programme Officer (Establishment), Banka.
9. The District Superintendent of Education, Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Sinha, Adv.
For the State	:	Mr. Prabhat Ranjan Singh, A.C. to AAG-15

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 18-07-2024

Heard learned counsel for the petitioners and learned



counsel for the State.

2. By filing the present writ application, the petitioners have prayed for the following reliefs:

(I) To issue a writ of certiorari for quashing letter no. 2107 dated 31.08.2019 and letter no. 2930 dated 22.11.2019, as contained in Annexures 6 & 6/A to the writ application, whereby and whereunder the petitioners have been posted assuming them to be appointed as Lower Division Clerk, whereas the petitioners were already working as Teacher for the last 12 years and have acquired the qualification of teachers' training on the direction of the respondents.

(II) To issue a writ of mandamus commanding the respondents to treat/appoint the petitioners as per recommendation of respondent no.5 i.e. appointment on regular post in regular pay scale on the post of Teacher on compassionate ground (contained in Annexure-1) by following Government Rules and also in the light of notification of respondent no.1, contained in Annexure-7 i.e. Gyapank-7/Mu04-17/2017/38/Patna dated 12.01.2018 and the petitioners may be permitted to work as Teacher.

(III) To issue a writ of mandamus commanding the respondents to give all consequential benefits of regular service to



the petitioners as if they would have been appointed on regular post of Teacher since their appointment as Contract Teacher and to make payment of arrears of difference of pay.

(IV) To grant any other relief/reliefs for which the petitioners may be found entitled under the facts and circumstances of the case.

3. After some arguments, learned counsel for the petitioners submits that the petitioners' case is squarely covered with the judgment/order dated 02.07.2013 passed by the Apex Court in Civil Appeal No. 5090 of 2013.

4. Considering the aforesaid facts, since the case of the petitioners stands on similar footing to that of the appellants of Civil Appeal No. 5090 of 2013, there is no requirement to keep pending the present writ application.

5. In such view of the matter, the writ application is allowed and letter no. 2107 dated 31.08.2019 and letter no. 2930 dated 22.11.2019, as contained in Annexures 6 & 6/A to the writ application are hereby quashed.

6. The respondent Authority is directed to consider the grievance of the petitioners and appoint them on the post of Regular Teacher in regular pay scale in place of Lower Division Clerk.



7. It goes without saying that if the petitioners are appointed on the post of Regular Teacher, they would be entitled to other consequential benefits as well.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.07.2024
Transmission Date	NA

