

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21517 of 2018

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Ram Prit Mahto Son of Late Saryug Mahto Resident of Village- Kharagbani, P.S.-Babu Barhi, District- Madhubani and was posted as an Assistant Teacher in project Visheshwar Vaidnath Jagdish Mahendra Project Girls High School, Khargabani Bhupatti, P.S.- Babubarhi, District-Madhubani Now retired

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary, Department of Education, New Secretariat Vikas Bhawan, Patna
2. The Principal Secretary, Department of Education Government of Bihar, New Secretariat, Vikash Bhawan Patna
3. The Director Secondary Education, Department of Education, Bihar Secondary Education Office, Budh Marg, Patna
4. The District Education Officer, Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sharma
For the Respondent/s : Mr.Kameshwar Kumar Gp17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 26-09-2024 1. Heard learned counsel for the parties concerned.
2. The petitioner has filed the present writ application for quashing the order contained in Memo No. 153 (P) dated 20.04.2010 issued by the respondent no. 3 / Director, Secondary Education by which the claim of the petitioner has been rejected on the ground that the post of Physical Teacher in Project Girls High School is not available. It is has been further prayed to direct the respondents to recognize his services as Assistant Teacher in the Project Visheshwar Viadnath Jagdish Mahendra Girls High School, Khargabani Bhupatti, District – Madhubani



and for payment of consequential benefits.

3. Learned counsel for the petitioner submits that after the judgment of Full Bench of this Court, the matter was examined by a Three-Men Committee who has submitted its report stating therein that the claim for recognition of services of Physical Teachers can only be considered if the Teacher was appointed by the Managing Committee as per the post under the staffing pattern.

4. Referring to the report of the Committee, learned counsel submits that in the remarks column, the petitioner has been shown to be D.P.Ed. and has been placed at Category-I.

5. The petitioner was appointed as Assistant Teacher on 16.04.1983 by the Managing Committee on the post earmarked under the staffing pattern of Geography subject, but the claim of the petitioner for recognition of his services has been refused by the Director (Secondary Education) on the ground that no post was available for physical trained teachers under the staffing pattern.

6. Learned counsel submits that in similar circumstances in the case of Maheshwar Prasad Singh v. The State of Bihar and Ors. (CWJC No. 13159 of 2013) and Kriti Kumar v. The State of Bihar and Ors. (CWJC No. 13104 of 2013), a Co-ordinate



Bench of this Court has passed order on 22.05.2015 directing the Director, Secondary Education to examine the matter who at the first instance rejected the claim of the petitioner Maheshwar Prasad Singh. However, the matter was considered as per the order passed in contempt case and thereafter the Director, Secondary Education issued a corrigendum / Office Order by which the services of Maheshwar Prasad Singh, who was similarly situated to the petitioner was recognized. The case of the petitioner is exactly similar to Maheshwar Prasad Singh.

7. Learned counsel further submits that identical cases of Physical Teachers were also considered by this Court in CWJC Nos. 12531, 15444 & 15918 of 2014 in which this Court directed the Director, Secondary Education to examine the claim of the teachers in the light of the order dated 22.05.2015 passed in CWJC No. 13159 of 2013 and the Director after examining the entire matter recognized the services of those teachers who were petitioners in the aforesaid writ applications.

8. The L.P.A. No. 362 of 2017 and L.P.A. Nos. 657 & 855 of 2019 preferred by the State against the orders passed by this Court in CWJC Nos. 13104 of 2013, 12531 of 2014 & 15444 of 2014 respectively has been dismissed.

9. Learned counsel for the State submits that the Director,



Secondary Education may be directed to examine the claim of the petitioner in the light of the aforesaid judgments.

10. Having heard learned counsel for the parties concerned, this writ application is disposed with a direction to the Director, Secondary Education to examine the claim of the petitioner in the light of the orders passed by this Court in CWJC No. 13159 of 2013 and other cases and if it is found that the case of the petitioner is similar to the case of Maheshwar Prasad Singh, similar benefit should be extended to the petitioner also in accordance with law.

11.A final decision in this regard must be taken by the Director, Secondary Education within a period of five months from the date of receipt/production of a copy of this order.

(Anil Kumar Sinha, J)

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