

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6689 of 2021

1. Parvind Kumar Yadav son of Jwala Prasad Yadav resident of At and P.O.- Latra, P.S.- Gopalpur, District- Bhagalpur.
2. Arun Kumar son of Nawal Kishore Kuwar resident of Village- Dhruvganj, P.O. and P.S.- Kharik, District- Bhagalpur.
3. Kundan Kumar Singh son of Chaturanand Singh resident of Village and P.O.- Sadhua, P.S.- Rangra Chowk, District- Bhagalpur.
4. Anil Kumar son of Maheshwar Prasad resident of Village and P.O.- Lagar, P.S.- Parbatta, District- Khagaria.
5. Rajiv Kumar Nayan son of Bishundeo Yadav resident of At- Basua, P.O.- Piparpantee, P.S.- Pasraha, District- Khagaria.
6. Ramesh Chandra Yadav son of Gena Lal Yadav resident of At- Bari Makandpur, P.O.- Abhia Bazar, P.S.- Gopalpur, District- Bhagalpur.
7. Vinita Roy wife of Madhuranjan Kumar Singh resident of At and P.O.- Dharahara, P.S.- Gopalpur, District- Bhagalpur.
8. Sanjay Kumar Singh son of Late Ramnandan Prasad Singh resident of At and P.O.- Pakra, P.S.- Naugachia, District- Bhagalpur.
9. Vimal Prakash Mandal son of Late Badri Mandal resident of Village- Harichak, P.O.- Kashdeeh, P.S.- Antichak, District- Bhagalpur.
10. Jai Nandan Mandal son of Jaldhar Mandal resident of Village- Mirzapur, P.O.- Amari Bishanpur, P.S.- Champa Nagar, District- Bhagalpur.
11. Shiv Kumar Mandal son of Madho Prasad Mandal resident of At- Ganga Karhariya, P.O.- Kasimpur, P.S.- Jagdishpur, District- Bhagalpur.
12. Rita Jha C/o Late Dr. Bedanand Jha, resident of S.K. Taraldar Road, Adampur, P.S.- Adampur, District- Bhagalpur.
13. Rabindra Kumar son of Parmanand Yadav resident of At- Rasulganj Korah, P.O.- Mirzanhat, P.S.- Lodipur, District- Bhagalpur.
14. Shashi Kant Das son of Bandhu Das resident of At- Rasulpur Dahla, P.O., P.S. and District- Sahibganj (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Adv. Mr. Rakesh Kumar, Adv. Mr. Rikesh Sinha, Adv. Mr. Vardaan Mangalam, Adv.
For the State	:	Ms. Abhanjalli, Adv.



CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-08-2024 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

2. Petitioners have approached this Court for a direction to the respondents to consider their case for fixing seniority as per their merit position in terms of advertisement no. 01 of 1988, pursuant to which they were appointed as teachers for the subject of Biology in the year 2017. It is admitted position that till date there is no decision by the respondent authorities.

3. Learned counsel for the petitioners submits that several candidates including the petitioners are senior in the merit list to the candidates appointed in the year 2013 and 2016, but due to delay in appointment of the petitioners, who were appointed in the year 2017, they became junior in service.

4. Learned counsel for the petitioners has drawn attention of this Court to Annexures- 25 & 26 and submits that similarly circumstanced teachers appointed for the Subject of Civics were granted the benefit of seniority in terms of the merit position in the panel prepared for appointment pursuant to advertisement no. 02 of 1991. In the case of the petitioners there is no decision one way or the other.

5. Considering the facts and circumstances of the case, the



Court deems it fit and proper to direct the petitioners to agitate the matter before the Director, Secondary Education, Government of Bihar, Patna (respondent no.3), who shall under obligation to decide the representation filed by the petitioners along with a copy of this order by a reasoned and speaking order within a maximum period of three months from the date of receipt/production of a copy of this order.

6. While taking decision past precedent contained in Annexures- 25 & 26 may be considered by the Director, Secondary Education.

7. Necessary decision in this regard must be taken within the stipulated period indicated hereinabove.

8. It is made clear that the respondent no.3 shall be personally held responsible for non-compliance of this order within the stipulated period.

9. With the aforesaid direction, the writ application stands disposed of.

(Anjani Kumar Sharan, J)

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