

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7212 of 2021

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1. Jainendra Kumar Satyarthi son of Ramswaroop Pandit resident of Flat No. 3/B Block, Rukmee Mukund Kunj Aparment, Kanti Factory Road, Mahatma Gandhi Nagar, P.S. - Agamkuan, District- Patna.
 2. Shashi Bhushan Prasad son of Radha Raman Prasad @ Ved Prakash Mehta resident of Village - Karmali Chak, Patna City, P.S. -Bypass, District- Patna.

... .. 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	:	Mr. Jai Prabhat Kishore, AC to S.C.-13

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 and Mathematics in the year 2016, respectively. 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, but due to delay in appointment of the petitioners, who is appointed in the year 2016, they became junior in service.

4. Learned counsel for the petitioners has drawn attention of this Court to Annexures- 26 & 27 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- 26 & 27 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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