

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2343 of 2022

1. Perful Chandra S/o Sri Anil Kumar, Resident of Village and P.O. - Khudwan, P.S. - Khudwan, District - Aurangabad. At present Secondary Teacher, Social Science, A.K. Jain High School, Darihat, Rohtas, Sasaram.
2. Kamlesh Kumar Singh S/o Sri Kashi Nath Singh Resident of Village - Kharej, P.S.- Kargahar, District - Rohtas, At present Secondary Teacher, Social Science. Sri R.N.C.H. School plus 2, Dibhiya, Rohtas, Sasaram.
3. Anjani Kumar S/o Sri Shambhu Din Pandey Resident of Village - Pokhrahi (Badwan) Lake Road, Near Chhata Masjid, Hindpiri, Ranchi, At present Secondary Teacher, Mathematics, Upgraded High School, Mohanpur (Karakat) Rohtas, Sasaram.
4. Mukesh Kumar, S/o Sri Krishna Deo Thakur, Resident of Mohalla - Baisadh, Belsarh, Ward 02, District - Madhepura. At present Secondary Teacher, Social Science, Moti High School, Shankar Asthan, Basdihan dinara, Rohtas.
5. Deo Shankar Kumar, S/o Ramchandra Prasad Yadav, Resident of Itva Jogvani Ward no.- 04, P.S. - Sihpur, Singheshwar, District - Madhepura. At present Secondary Teacher, Social Science, Bauliya High School, Bauliya, Rohtas.
6. Md. Raunaque, S/o Anwarul Haque, Resident of Faizabad, P.S. - Barbigha, District - Sheikhpura. At present Secondary Teacher, Social Science, plus 2 Aadarsh Town High School, Barbigha, Sheikhpura.
7. Vijay Kumar S/o Sri Rajendra Prasad, Resident of Ward No. 02, Sahokhar, P.S. - Sohsarai, District - Nalanda. At present Senior Secondary Teacher, Geography, plus 2 Tailik Balika High School, Barbigha, Sheikhpura.
8. Kaushlendra Kumar, S/o Anandi Prasad Resident of Village - Khanapur, P.S. - Warisaliganj, District - Nawada. At present Secondary Teacher, Mathematics, High School, Manjhi, Saran.
9. Pramod Kumar, S/o Banke Bihari Singh Resident of Village - Khanapur, P.S. - Warisaliganj, District - Nawada. At present Secondary Teacher, Science, High School Karnpura Durgawati, Kaimur, Bhabhua.
10. Rajeev Ranjan, S/o Anil Kumar, Resident of Village- Baksanda, District - Nawada. At present Secondary Teacher, Social Science, D M High School, Sheikhpura.
11. Vijay Kumar Sah, S/o Shyam Sunder Prasad Sah, Resident of Village - Ashrafpur, P.S. - Supaul, District - Samastipur. At present Senior Secondary Teacher, Sociology, Jagdish High School, Chamrahra, Vaishali.
12. Rakesh Kumar Pandey, S/o Bipin Bihari Pandey, Resident of Village- Jaitpur, Saran, P.S. - Daudpur, District - Saran. At present Senior Secondary Teacher, Accountancy, S M S High School, Hajipur, Vaishali.
13. Vijaya Bharti, W/o Pramod Kumar Mishra, Resident of Village- Jadhua, P.S. - Hajipur, Sant Kabir Nagar, District - Vaishali. At present Secondary Teacher, Hindi, High School Ghataro, Vaishali.
14. Sohan Kumar, S/o Bhola Prasad Singh, Resident of Ward no. 07, Post Office



- Ke Pash, P.S.- Kubauliram, District - Samastipur. At present Senior Secondary Teacher, Hindi, High School, Krishnwada, Vaishali.
15. Saroj Kumar Singh, S/o Ramji Singh, Resident of Village - Bishunpur Rajkhand, Biddupur, P.S.- Bishnupur Rajkhand, District - Vaishali. At present Senior Secondary Teacher, Political Science, P.S.P. High School, Bithan, Samastipur.
 16. Nand Kishore Kumar, S/o Ram Charan Pandit, Resident of Village - Harpur Gopal, P.S. - Bidupur, District - Vaishali. At present Secondary Teacher, English, Upgraded High School, Tersiya, Vaishali.
 17. Amit Kumar, S/o Ganga Prasad Yadav, Resident of Ward No. 11, Pachrukhi Bithan, P.S. - Ujaan, District - Samastipur. At present Senior Secondary Teacher, Political Science, Sri Shankar High School, Rasalpur, Samastipur.
 18. Amod Kumar, S/o Deodatt Prasad Yadav, Resident of Village- Kataiya, Sigheasr Asthan, District - Madhepura. At present Secondary Teacher, Social Science, plus 2 Project Girls High School, Sanjhauli, Rohtas.
 19. Pawan Kumar, S/o Saryug Prasad Gupta, Resident of Ward no. 08, Lalapur, Bhawanipur, Antichak Kahalgaon, Colgong, District - Bhagalpur. At present Senior Secondary Teacher, History, Sri Sukhdas Dubey High School, Amauna, Karakat, Rohtas.
 20. Niranjan Mandal, S/o Chabish Mandal, Resident of Village - Shankarpur, Khawas, P.S. - Shankarpur Bhagalpur, Ramnagar Arazi Shankarpur Kodwar, District - Bhagalpur. At present Secondary Teacher, Social Science, Gauri Shankar plus 2 High School, Sanjhauli, Rohtas.
 21. Amresh Kumar, S/o Bhupendra Prasad Yadav, Resident of Ward No. 10, Subbanagar, Kishandaspur, P.O. and P.S. - Budhuchak, Kahalgaon, District - Bhagalpur. At present Secondary Teacher, Hindi Upgraded High School, Dayalpur, Kahalgaon, Bhagalpur.
 22. Pragya Payaswini, W/o Pawan Kumar, Resident of Ward No. 20, Bihat Bazar Jagir Tola, Bihat, P.S. - Begusarai, District - Begusarai. At present Secondary Teacher, Social Science, Upgraded High School, Rampur, Teghra, Begusarai.
 23. Ranjan Kumar Choudhary, S/o Shyam Deo Prasad @ Shyamdeo Prasad Choudhary, Resident of Ward no. 10, Shahebpur Kamal, Kurha, P.S. - Sahebpur Kamal, District - Begusarai. At present Secondary Teacher, Social Science, Upgraded High School Rasalpur, Begusarai.
 24. Akhilesh Kumar, S/o Arjun Prasad Singh, Resident of Village - Sughari, P.S. - Govindpur, District- Nawada. At present Senior Secondary Teacher, Accountancy, Rajeshwari plus 2 High School, Cheria Bariarpur, Begusarai.
 25. Arvind Kumar, S/o Devnandan Mahto, Resident of Ward no. 11, Baghi, P.S. - Muffasil, District - Begusarai. At present Senior Secondary Teacher, English, R.A.H.S. plus 2 School Gyan Bharti, Begusarai.
 26. Manish Kumar, S/o Dinesh Mahto, Resident of Sadpur, Sahebpur Kamal, Sadpur, P.S.- Sahebpur Kamal, District - Begusarai. At present Secondary Teacher, Social Science, Government Banshidhar High School, Tetri, Begusarai.
 27. Ajay Kumar, S/o Nawal Kishore Singh, Resident of Village - Chandpura,



Ward - 13, P.S. Neema Chandpura, District - Begusarai. At present
Secondary Teacher, Mathematics, Upgraded High School, Godargawan,
Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Education Department, Government of Bihar, Patna.
4. The Principal Secretary, Finance Department, Government of Bihar, Patna.
5. The Principal Secretary, Urban Development Department, Government of Bihar, Patna.
6. The Principal Secretary, Panchait Raj Department, Government of Bihar, Patna.
7. The Director, Secondary Education, Bihar, Patna.
8. The District Programme Officer, Sasaram.
9. The District Programme Officer, Rohtas.
10. The District Programme Officer, Sheikhpura.
11. The District Programme Officer, Saran.
12. The District Programme Officer, Kaimur.
13. The District Programme Officer, Vaishali.
14. The District Programme Officer, Samastipur.
15. The District Programme Officer, Bhagalpur.
16. The District Programme Officer, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioners : Mr. Arbind Kumar Singh, Advocate
For the State : Mr. Kameshwar Kumar, GP-17

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 24-10-2024 Heard learned counsels for the parties.

2. The instant writ application has been filed by the
petitioners seeking a direction upon the respondents to count the
services of the petitioners as Secondary/Senior Secondary
Teachers from the date of reservation of seats and from the date



their respective Juniors in the merit list have been appointed and for grant of consequential benefits i.e. Seniority, continuity in service, Grade pay, increment etc..

3. The petitioners have further sought for quashing the part of the order contained in Memo No. 894 dated 28.05.2019 issued by the Deputy Secretary, Education Department, Govt. of Bihar, Patna by which it has been decided that service of persons who have the B.Ed. degree from the State of Jammu and Kashmir shall be counted from 12.04.2017 and not from the date of reservation of their respective seats.

4. In this case a counter-affidavit has been filed on behalf of Respondent Nos. 3 and 7. Paragraph No. 14 of the said counter-affidavit reads as follows:-

“14. That the Education Department, Govt. of Bihar accordingly issued Memo No. 984 dated 28.05.2019 by which it was decided to recognise the services of the petitioners and similarly situated persons from 12.04.2017 and onwards as is evident from Annexure- 7 to this writ application.”

5. Learned counsel appearing on behalf of the petitioners submits that in view of aforesaid statement made in Paragraph No. 14 of the counter-affidavit filed on behalf of Respondent Nos. 3 and 7, the instant writ application has become infructuous. However, a direction may be issued to the



respondent-State to pay the monetary benefits from the
aforesaid date.

6. In view of the aforesaid facts and circumstances of
the case, this writ application is disposed of with a direction to
the State to consider the claim of these petitioners for payment
of all benefits and take a decision in this regard in accordance
with law, by a reasoned and speaking order, as early as possible.

(Prabhat Kumar Singh, J)

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