

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7281 of 2019

1. Md. Meraj uddin, Son of Md. Shamsher Ali, President of Lok Shikshak Sangh, Resident of Village- Mahmadipur, Post office- Mahmadipur, Police Station- Mohiuddin Nagar, District- Samastipur, Pin Code- 848502.
2. Ashok Kumar Ram Son of Asharfi Ram, Resident of Vllage- Sohta, Post Office- Giridharpatti, Police Station- Chhatapur, District- Supaul, Pin Code- 852137.
3. Sangita Kumari, Wife of Sunil Singh, Resident of Village- Parsa, Post Office- Parsa, Police Station Fatuha, District- Patna, Pin Code- 803201.
4. Sanjeev Kumar, Son of Gopal Purbey, Resident of Village- Simrahi Bazar, Post Office- Jia Ram Raghobpur, Police Station- Raghobpur, District- Supaul, Pin Code- 852111.
5. Kumod Kumar, Son of Mahendra Mahto, Resident of Village- Nawada, Post office- Nawada, Police Station- Chautham, District- Khagaria, Pin Code- 851201.
6. Ashok Kumar, Son of Jagdish Prasad, Resident of Villae- Khapura, Post Office- Kalyanpur, Police Station- Punnun (Pipra), District- Patna, Pin Code- 804453.
7. Meena Kumari, Wife of Ajay Kumar Ajit, Resident of Village- Mohanpur, Post office- Mahthi, Police Station- Bibhutipur, District- Samastipur, Pin Code- 848211.
8. Shatrudhan Kumar, Son of Ram Ishwar Ram, Resident of Village Ramchandra Nagar Parsa, Post Office- Parsa, Police Station- Fatuha, District- Patna, Pin Code- 803201.
9. Aldeep Ravidas, Son of Fekan Ravidas, Resident of Village- Giridhara (Dwarikapur), Post office- Kapsiya, Police Station- Paraiya, District- Gaya, Pin Code- 824209.
10. Satyendra Ram, Son of Tapeswar Ram, Resident of Village- Vishambharpur, Post office- Vishambharpur, Police Station- Kasama, District- Aurangabad, Pin Code- 824125.
11. Sushma Kumari, Wife of Munna Kumar, Resident of village- Bhui Bigha, Post Office- Guraru, Police Station- Guraru, District- Gaya, Pin Code- 824118.
12. Ashok Kumar, Son of Raghunandan Yadav, Resident of Village- Tikuliya, Post Office- Vishanpur Bazar, Police Station- Kumarkhand, District- Madhepura, Pin Code- 852214.
13. Munna Kumar Sharma, Son of Vishwanath Sharma, Resident of Village- Mujauna, Post Office- Mujauna, Police Station- Dariyapur, District- Saran, Pin Code- 841207.
14. Jitendra Manjhi, Son of Village Bijendra Manjhi, Resident of Village- Hukraha, Post Office- Banjayan, Police Station- Dariyapur, District- Saran, Pin Code- 841221.
15. Ranju Devi, Wife of Siyaram Sharma, Resident of Village- Salimpur, Post Office- Salimpur, Police Station- Salimpur, District- Patna, Pin Code-



803202.

16. Gopal Kumar Jha, Son of Braj Kishor Jha, Resident of Village-Ladaur, Post Office- Ladaur, Police Station-Gayghat, District-Muzaffarpur, Pin Code-847107.
17. Arvind Kumar, Son of Baleshwar Pandit, Resident of Village-Raghopur, Post Office-Harkhauli, Police Station-Gayghat, District-Muzaffarpur, Pin Code-843321.
18. Manoj Kumar, Son of Ramchandra Thakur, Resident of Village-Hanuman Nagar, Post Office- Kanta Pirauchha, Police Station-Gayghat, District-Muzaffarpur, Pin Code-847107.
19. Munni Kumari, Wife of Sanjeev Kumar Tiwari, Resident of Village-Harpur Vichla, Post Office-Ladaur, Police Station-Simari, District-Darbhanga, Pin Code-847106.
20. Vinay Kumar Yadav, Son of Pokhan Yadav, Resident of Village-Pendapur, Post Office-Phulwaria Baheri, Police Station- Gurua, District- Gaya, Pin Code- 824205.
21. Ashok Kumar, Son of Ramdeo Yadav, Resident of Village- Banket, Post Office- Nima bidhoul, Police Station- Amas, District-Gaya, Pin Code-824208.
22. Pramod Kumar Yadav, Son of Dharendra Prasad Yadav, Resident of Village-Brasanda (Mahdeba), Post Office-Gaurav Dih, Police Station- Sangrampur, District-Munger, Pin Code-811213.
23. Labhali Niranjana, Wife of Niranjana Prasad Keshari, Resident of Village-Shivpur Laungay, Post Office- Shivpur Laungay, Police Station-Haveli Kharagpur, District-Munger, Pin Code-811213.
24. Kumar Gaurav, Son of Yog Narayan Mandal, Resident of Village- Shahpur, Post Office- Chunni, Police Station- Chhatapur, District- Supaul, Pin code-852137.
25. Paresh Kumar Sardar, Son of Dhanik Lal Sardar, Resident of Village-Charne, Post Office- Charne, Police Station- Chhatapur, District- Supaul, Pin Code- 852137.
26. Parmeshwar Kumar Yadav, Son of Rajendra Prasad Yadav, Resident of village- Govindpur, Post Office- Darhar, Police Station- Nauhatta, District-Saharsa, Pin code- 852123.
27. Subhash Prasad Yadav, Son of Satyadev Yadav, Resident of Village-Bazidpur Bombaiya, Post Office- Bazidpur Bombaiya, Police Station-Bibhutipur, District-Samastipur, Pin Code- 848160.
28. Naresh Prasad Chaurasiya, Son of Rambalak Chaurasiya, Resident of Village Barhona Post Office Barhona, Police Station Vidyapati Nagar, District Samastipur, Pin Code-848502.
29. Geeta Kumari, Wife of Jabindar Kumar, Resident of Village Simaru, Post Office Gurua, Police Station Gurua, District Gaya, Pin Code-824205.
30. Renu Kumari, Wife of Kamlesh Kumar , Resident of Village Sherpur, Post Office Gurua, Police Station Gurua, District Gaya, Pin Code 824205.
31. Malo Kumari, Wife of Vinod Das, Resident of Village Mohsimpur Kurtha,



- Post Office Fatuha, Police Station Fatuha, District Patna, Pin Code 803201.
32. Mamta Kumari Wife of Rajesh Kumar, Resident of Village Rampur, Post Office Dubba, Police Station Gurua, District Gaya, Pin Code 824205.
 33. Sarita Kumari, Wife of Pappu Thakur, Resident of Village Simaru, Post Office Gurua, Police Station Gurua, District Gaya, Pin Code 824205.
 34. Rajendra Ram, Son of Ramsagar Ram, Resident of Village Jagatpura, Post Office Bichhichanchar, Police Station Sangrampur, District Munger, Pin Code-811213.
 35. Rakesh Kumar, Son of Pratap Narayan Yadav, Resident of Village-Dharma Kharwe Tola (Banauli), Post Office- Raja Dih, Police Station-Sangrampur, District-Munger, Pin Code-811213.
 36. Kishor Kumar, Son of Baijnath Yadav, Resident of Village- Kunauli, Post Office-Dariyapur, Police Station- Kharagpur, District-Munger, Pin Code-811213.
 37. Prabhash Kumar, Son of Jenendra Kumar Mandal, Resident of Village-Tilkari, Post Office- Bichhichanchar, Police Station- Tetiya Bambar, District- Munger, Pin Code-811213.
 38. Brijnandan Kumar, Son of Satyanarayan Ram, Resident of Village Nawada, Post Office Nawada, Police Station Chautham, District Khagaria, Pin Code -851201.
 39. Ravindra Kumar Das, Son of Devnarayan Das Resident of Pipra, Post Office Keshavnagar, Police Station Chautham, District Khagaria, Pin Code 851201.
 40. Ranjeet Kumar, Son of Satendra Mohan Jaiswal, Resident of Village Dumari, Post Office Achalpur, Police Station- Raghobpur, District- Supaul, Pin Code -852109.
 41. Rakesh Ranjan Arun, Son of Chanchal Prasad Singh, Resident of Village Dhoura, Post Office Harpur, Police Station Harpur, District-Munger, Pin Code-813221.
 42. Md. Maswood Alam, Son of Matiur Rahman, Resident of Village Rahariya, Post Office Bagdahra, Police Station Jokihat, District Araria, Pin Code-854311.
 43. Baliram Kumar, Son of Sukhari Paswan, Resident of Village Nawakhap, Post Office Sagahi, Police Station Gurua, District Gaya, Pin Code-824237.
 44. Pravin Kumar Son of Rambali Yadav, Resident of Village- Bhaluhar, Post Office- Gurua, Police Station- Gurua, District- Gaya, Pin Code-824205.
 45. Sudhir Ram, Son of Bhola Ram, Resident of Village-Barhona, Post Office-Barhona, Police Station-Vidyapati Nagar, District- Samastipur, Pin Code 848502.
 46. Munni Kumari, Daughter of Jagdish Roy, Resident of Village-Barhona, Post Office- Barhona, Police Station-Vidyapati Nagar, District- Samastipur, Pin Code 848502.
 47. Punam Bharti, wife of Yogendra Yadav, Resident of Village-Dharhara, Post Office- Ganpatganj, Police Station-Raghobpur, District- Supaul, Pin Code 852109.
 48. Sunita Bharti, Wife of Amrendra Chaudhary, Resident of Village-Dharhara,



- Post Office- Ganpatganj, Police Station-Raghopur, District- Supaul, Pin Code 852109.
49. Ram Krishna Raman, Son of Ram Sewak Prasad Sah, Resident of Village-Kalimunga, Post Office- Parsa Madho, Police Station-Kishanpur, District-Supaul, Pin Code 852138.
 50. Shambhu Paswan, Son of Asharfi Paswan, Resident of Village-Sukhashan, Post Office- Shreepur Sukhashan, Police Station-Kishanpur, District-Supaul, Pin Code 852138.
 51. Rajeshwar Sharma, Son of Dhanpet Sharma, Resident of Village-Bahuarwa, Post Office- Parsa, Police Station-Kishanpur, District- Supaul, Pin Code 852218.
 52. Bhushan Kumar Mandal, Son of Rajeshwar Mandal, Resident of Village-Navtoli Sukhasan, Post Office- Shreepur Sukhasan, Police Station-Kishanpur, District- Supaul, Pin Code 852138.
 53. Rajkishor Yadav, Son of Subilal Yadav, Resident of Village-Tullapatti, Post Office- Parsa, Police Station-Kishanpur, District- Supaul, Pin Code 852218.
 54. Jaleswar Mishra, Son of Sudistha Mishra, Resident of Village-Danapur, Post Office- Bakarpur, Police Station-Danapur, District- Patna, Pin Code 800012.
 55. Akhileshwar Sah, Son of Maina Sah, Resident of Village-Akilpur, Post Office- Akilpur, Police Station-Dighwara, District- Saran, Pin Code 841207.
 56. Raj Kumar Singh, Son of Yogendra Prasad Singh, Resident of Village-Mohanpur, Post Office- Supaur Jamua, Police Station-Sangrampur, District-Munger, Pin Code 813321.
 57. Mukesh Kumar Yadav, Son of Subhit Prasad Yadav, Resident of Village-Dadhiyar, Post Office- Gangta, Police Station-Haveli Kharagpur, District-Munger, Pin Code 811213.
 58. Munni Kumari, Wife of Dinesh Kumar Pandit, Resident of Village and Post Office Madhopatti, Police Station-Keoti, District- Darbhanga, Pin Code 847306.
 59. Sanjay Paswan, Son of Vindeshwar Paswan, Resident of Village-Ladari, Post Office- Samailalaganj, Police Station-Keoti Ladari, District- Darbhanga, Pin Code 847121.
 60. Prabhakar Kumar, Son of Harikanta Bhagat, Resident of Village-Lalganj Tola Gathuli, Post Office- Samaila Lalganj, Police Station-Keoti, District-Darbhangha, Pin Code 847121.
 61. Pappu Bhandari, Son of Dasharath Bandari, Resident of Village-Maliyatol, Post Office- Samailalaganj, Police Station-Keoti, District- Darbhanga, Pin Code 847121.
 62. Subhash Prasad Azad, Son of Mishrilal Prasad, Resident of Village-Vajidpur, Post Office- Singiya Deodhi, Police Station-Kamtaul, District- Darbhanga, Pin Code 847306.
 63. Tarakant Manjhi, Son of Dinanath Manjhi, Resident of Village-Sikti, Post Office- Anjani, Police Station-Parsa, District- Saran, Pin Code 841219.
 64. Anita Devi, Wife of Madan Kumar Mandal, Resident of Village-Kothiya,



- Post Office- Lalbag, Police Station-Shahbazpur, District- Darbhanga, Pin Code 846005.
65. Pappu Kumar Paswan, Son of Upendra Kumar Paswan, Resident of Village-Mabbi, Post Office- Lalshahpur, Police Station-Shahbajpur, District-Darbhangha, Pin Code 846005.
 66. Jaynath Paswan, Son of Ram Lakhan Paswan, Resident of Village-Mabbi, Post Office- Mabbi Belauna, Police Station-Darbhangha Lalsahpur, District-Darbhangha, Pin Code 846005.
 67. Kamalesh Kumar Thakur, Son of Muktinath Thakur, Resident of Village-Manihaskansi, Post Office- Kansi, Police Station-Simari, District-Darbhangha, Pin Code 847106.
 68. Anil Kumar Yadav, Son of Krishndev Yadav, Resident of Village-Telauchh, Post Office- Farreh, Police Station-Chautham, District- Khagaria, Pin Code 851213.
 69. Ajit Kumar Sharma, Son of Upendra Sharma, Resident of Village-Manga, Post Office- Farreh, Police Station-Maheshkhunt, District- Khagaria, Pin Code 851213.
 70. Devendra Kumar Singh, Son of Satya Narayan Singh, Resident of Village-Jarang Maltoli, Post Office- Jarang Deodhi, Police Station-Jarang, District-Muzaffarpur, Pin Code 843118.
 71. Hukumdeo Ray, Son of Ram Pyare Ray, Resident of Village-Laxman Nagar, Post Office- Laxman Nagar, Police Station-Gaighat, District- Muzaffarpur, Pin Code 847107.
 72. Sabnam Bano, Wife of Mushtaque Ahmad, Resident of Village-Goriaya Bathan, Post Office- Goriaya Bathan, Police Station-Gaugri Jamalpur, District- Khagaria, Pin Code 851203.
 73. Md. Minnatullah, Son of Md. Arif Husain, Resident of Village-Mahara Tole Lahar Gachhiya, Post Office- Vishnupur Diha, Police Station-Singhiya, District- Samastipur, Pin Code 848209.
 74. Umesh Prasad, Son of Debi Prasad, Resident of Village-Dashrathpur, Post Office- Banhra, Police Station-Haveli Kharagpur, District- Munger, Pin Code 811213.
 75. Kaoshal Kishor Prasad, Son of Dharamdeo Prasad, Resident of Village and Post Office Molanapur, Police Station Bansantpur, District Siwan, Pin Code 841406.
 76. Pramod Kumar, Son of Rajeshwar Mehta, Resident of Village-Sohta, Post Office-Giridharpatti, Police Station-Chhatapur, District- Supaul, Pin Code 852137.
 77. Kanchan Singh, Wife of Bhuneshwar Singh, Resident of Village-Sohta, Post Office-Giridharpatti, Police Station-Chhatapur, District- Supaul, Pin Code 852137.
 78. Abdul Satar, Son of Abdul Hakim, Resident of Village-Firozpur, Post Office-Paru, Police Station- Paru, District- Muzaffarpur, Pin Code 843112.
 79. Mahesh Bhagat, Son of Kameshwar Bhagat, Resident of Village and Post Office-Loma, Police Station-Gaighat, District- Muzaffarpur, Pin Code 843118.



80. Arun Kumar Singh, Son of Ram Shrestha Singh, Resident of Village and Post Office-Loma, Police Station-Gaighat, District- Muzaffarpur, Pin Code 843118.
81. Mohan Lal Pandit, Son of Rambalak Pandit, Resident of Village and Post Office-Loma, Police Station-Gaighat, District- Muzaffarpur, Pin Code 843118.
82. Ashok Kumar, Son of Ramchand Kuwar, Resident of Village and Post Office-Loma, Police Station-Gaighat, District- Muzaffarpur, Pin Code 843118.
83. Rekha Devi, Wife of Devchandra Ray, Resident of Village-Bara Jagarnath, Post Office-Bhikhanpur, Police Station-Ahiyapur, District- Muzaffarpur, Pin Code 842004.
84. Fuldeo Ray, Son of Tetar Ray, Resident of Village-Laxman Nagar, Post Office-Laxman Nagar, Police Station-Gaighat, District- Muzaffarpur, Pin Code 843118.
85. Umesh Kumar, Son of Chandradeep Prasad Yadav, Resident of Village-Mohamadpur Sura, Post Office-Godanpatti, Police Station-Gaighat, District- Muzaffarpur, Pin Code 843118.
86. Ashok Kumar Metha, Son of Bihari Mehta, Resident of Village-Manganj West, Post Office-Manganj West, Police Station-Jadia, District- Supaul, Pin Code 852214.
87. Birbal Kumar Yadav, Son of Baldeo Prasad Yadav, Resident of Village-Aurlaha, Post Office-Bajitpur, Police Station-Triveniganj, District- Supaul, Pin Code 852139.
88. Hareram Thakur, Son of Jagadish Thakur, Resident of Village and Post Office-Manganj West, Police Station-Jadia, District- Supaul, Pin Code 852214.
89. Ashok Sardar, Son of Munar Sardar, Resident of Village and Post Office-Manganj West, Police Station-Jadia, District- Supaul, Pin Code 852214.
90. Bhagwat Ram, Son of Bambholi Ram, Resident of Village and Post Office-Manganj West, Police Station-Jadia, District- Supaul, Pin Code 852214.
91. Satendra Narayan Sardar, Son of Yuktilal, Resident of Village Latauna, Post Office Latauna, Police Station Triveniganj, District- Supaul, Pin Code 852139.
92. Kala Kumari, Wife of Rajendra Prasad Yadav, Resident of Village Chakardaha, Post Office Gorla, Police Station Jadia, District- Supaul, Pin Code 852214.
93. Dipanarayan Ram, Son of Ram Chandra Ram, Resident of Village and Post Office-Jadia Fulkaha, Police Station-Jadia, District- Supaul, Pin Code 852214.
94. Renu Kumari, Wife of Vipin Kumar, Resident of Village and Post Office-Pratappur, Police Station-Triveniganj, District- Supaul, Pin Code 852139.
95. Lila Devi, Wife of Sharan Kumar Mehta, Resident of Village and Post Office-Barahkurwa, Police Station-Triveniganj, District- Supaul, Pin Code 852139.



96. Amita Raj, Wife of Subodh Kumar, Resident of Village and Post Office-
Mirjawa, Police Station-Triveniganj, District- Supaul, Pin Code 852139.
97. Dinesh Kumar Sah, Son of Raghunandan Sah, Resident of Village and Post
Office-Managanj West, Police Station-Jadia, District- Supaul, Pin Code
852214.
98. Nutan Kumari, Wife of Avadhesh Kumar Singh, Resident of Village and
Post Office-Bajitpur, Police Station-Triveniganj, District- Supaul, Pin Code
852139.
99. Ram Prakash Mehta, Son of Sukhram Mehta, Resident of Village Harinagra,
Post Office Barahkurwa, Police Station Triveniganj, District Supaul, Pin
Code 852139.
- 100 Birendra Yadav, Son of Panchu Yadav, Resident of Village and Post Office-
Mirjawa, Police Station-Triveniganj, District- Supaul, Pin Code 852139.
- 101 Om Prakash Mehta, Son of Sitaram Mehta, Resident of Village and Post
Office-Bajitpur, Police Station-Triveniganj, District- Supaul, Pin Code
852139.
- 102 Umesh Kumar Sah, Son of Mishrilal Sah, Resident of Village and Post
Office and Police Station-Jadia, District- Supaul, Pin Code 852214.
- 103 Kali Kant Jha, Son of Surya Narayan Jha, Resident of Village (Chakla)
Daharia, Post Office Daharia, Police Station Chhatapur, District Supaul, Pin
Code 852137.
- 104 Udai Kumar Mandal, Son of Devanandan Mandal, Resident of Village
Chakla, Post Office Daharia, Police Station Chhatapur, District Supaul, Pin
Code 852137.
- 105 Umesh Kumar Kamesh, Son of Fagu Yadav, Resident of Village and Post
Office Mirjawa, Police Station Triveniganj, District Supaul, Pin Code
852139.
- 106 Vijay Kumar, Son of Sitaram Paswan, Resident of Village Lakhanpur, Post
Office Mohiuddin Nagar (R.S), Police Station Mohiuddin Nagar, District
Samastipur, Pin Code 848502.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Human Resources Development, Department,
Patna.
3. Bihar Shiksha Pariyojna Parishad through its Director, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
5. The Union of India through its secretary Human Resources Development
Department, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Subesh Sharma
For the Respondent/s : Mr.Prabhakar Jha (Gp27)



CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 01-04-2024 Counsel for the petitioners and counsel for the State
are present.

2. This writ petition is filed for issuance of appropriate writ/direction directing the Respondents reinstate the rest members of Lokshikshak Sangh, through its president Md. Meraj Uddin and others in any post of Government's Department. Prior in 2010, a lot of Lokshikshak have been appointed on the post of the teacher by Panchayat Niojan Ekai accordance with the Rule Bihar Panchayat Prarambhik Shikshak Rule, 2008.

3. Counsel further submits that Petitioner No. 1 and other petitioners are citizens of India and are residing within the territorial jurisdiction of this Hon'ble Court. They have formed an association namely Loksikshak Sangh and on behalf of Sangh, it has been submitted that the Government of Bihar vide Government order Resolution No. 2174 dated 07.11.2002 deals with appointment as Lok Shikshak on contract basis on monthly remuneration of Rs. 1000/- per month posted in the Siksha Gurantee Kendra/Lok Shikshan Kendra. Counsel further submits that in 2005, Government of Bihar through the Director, Shiksha Pariyojna Parishad issued an order Resolution No.



SSA/169 dated 05.03.2005 for arrangement of land “*to change the Shiksha Garanti Kendra into Regular School/Primary School*”. Petitioner No. 1 and some other persons donated the land in the name of Governor of Bihar on 08.12.2005 on some terms and conditions i.e. “If Lokshikshan Kendra is stopped, the said land owner will be owner himself”, but the terms and condition was not fulfilled. Counsel further submits that in 2016 Petitioner No. 1 filed R.T.I. asking about the said land in question, in which reply came that on the same land Navsirjit Prathmik Vidyalay was situated. He further submits that in 2006, Government of Bihar through Director of Bihar Siksha Pariyojna Parishad issued a Resolution dated 03.08.2006 according to which 15000 new Prathmik Vidyalay have been opened where Lokshikshan Kendra is going on and the post of Lokshikshak was abolished since 30.09.2006. In 2008, Government of Bihar vide Resolution No. 7 dated 25.08.2008 mentioned that “*Legally appointed Lokshikshak will be given Experience Certificate by Jila Shiksha Adhikshak (D.E.O.)*” He further submits that Bihar Prarambhik Shikshak Rule 2006 have been amended vide Resolution No. 3148 dated 25.08.2008 according to which the Panchayat Niyojan Ekai was given power by respondent authority for appointment of the teacher as



Panchyat Shikshak and Parkhand Shikshak and during the said appointment, some persons have been appointed through the Panchayat Niyojan Ekai but many of the petitioners were not selected. Counsel submits that those teachers who were appointed through Niyojan Ekai, their remuneration was fixed on contract basis and those Lokshikshaks who were not appointed, no payment was done to them so these teachers have moved before this Hon'ble Court in C.W.J.C. No. 21406 of 2013 and in C.W.J.C. No. 14493 of 2008 vide order dated 20.11.2014 and 21.03.2012, in which it was ordered to file representation before the Principal Secretary of the Human Resources Development Department, Government of Bihar. Counsel submits further that in compliance of the order passed by this Hon'ble Court, petitioners have filed their representation for their regularization but no decision has been taken. Counsel further submits that the present writ petition has been filed with the specific relief that those Loksikshaks who are petitioners in the present writ petition should be paid their arrears and current salary in accordance with Bihar Panchayat Prathamik Sikshak Rule 2008.

4. Counsel for State has filed the counter affidavit in this case and categorically submits that Director of Primary



Education has dealt with this issue in C.W.J.C. No. 14493 of 2008 and C.W.J.C. No. 21406 of 2013 in compliance of the order passed by this Hon'ble Court, detailed departmental order has been passed vide Memo No. 1018 dated 31.08.2015 by which the claim of the petitioner has been rejected. Counsel for the State further submits that order dated 31.08.2015 has been assailed through different writ petitions in some cases i.e. C.W.J.C. No. 1109 of 2017, this Hon'ble Court vide order dated 30.11.2017 has pleased to direct the respondent to consider relaxing the age as petitioners are otherwise eligible for appointment as Panchayat Sikshak as one time measure considering the fact that they have worked under the Scheme of State Government. Counsel further submits that, the departmental order has been passed in this regard vide memo no. 871 dated 03.08.2022 which has been enforced and annexed as Annexure R/1. Counsel submits that vide resolution dated 07.11.2002, the Secondary, Primary and Adult Education Department decided to set up Lokshikshak centers, as the responsibility of the community by arranging all resources by the community in areas where there is no primary school within the periphery on one Kilometer. The scheme of setting up of Lokshikshak Center was to encourage education to children by



involving the local community and in this process voluntary scheme was launched and for such voluntary alternative education centre, Lokshikshak as volunteers were engaged. Counsel further submits that in advent of Bihar Panchyat Primary Teacher Appointment Rule, 2006 and its amendment from time, the State Government conferred jurisdiction to the Panchyati Raj institutions to appoint Niyojit teachers and under the scheme of the 2006 Rule, the Shiksha Mitra continuing in the primary school were absorbed. Counsel further submits that the scheme of the Lok Shikshak in Lok Shikshak Kendra was only voluntary scheme to involve the community in awareness programme and to encourage the children for compulsory education but since the voluntary scheme of Lokshikshak Kendra was towards closure, hence the government took decision to give weightage to Lokshikshak in the matter of selection as Panchayat teacher/ Prakhand teacher. Counsel further submits that the rule relating to appointment of Primary teacher has also undergone change and the minimum eligibility for appointment as teacher has been prescribed as trained and passing of T.E.T. He further submits that Vide C.W.J.C. No. 14493/2008 the Lokshikshaks has raised the issue of discrimination in the matter of absorption qua Shiksha Mitra in



the writ petition and in the said writ petition, direction was given to file representation. Representation was filed and final order has been passed as contained in Memo No. 1018 dated 31.08.2015. Counsel categorically submits the cause of the petitioner has been raised in 2006-2008 and after lapse of 16 years, he has filed the present writ petition in the year 2019.

5. It transpires to this Court vide Annexure R/1 that due opportunity was granted to the Lokshikshak during the appointment in the year 2008, but those petitioners who have not been selected in the said appointment process to whom the benefit was granted in the year 2008, have no case at all. But demand of any relief either for regularization or absorption in any other department and request for grant for payment or arrear and current salary is not just and proper.

6. Upon hearing the advocates of the parties in length and upon going through the pleadings, this Court is of the firm view that the cause of action for the petitioner has arisen between the year 2006-07 when the Government has decided not to continue Lokshikshak and opportunity has already been granted to them in the year 2008 appointment of Panchayat teacher/ Prakhanda teacher in which some persons have been absorbed and some persons could not be found eligible and their



case has not been considered by the State. It also transpires to this Court that some petitioners have moved earlier before this Hon'ble Court and this Hon'ble Court without entering into the merits of the case has directed the petitioner to file representation on which the proper order has been passed and again raising the same issue in 2019 in absolutely unjustified due to this reason that any litigation must be reached to its end. As such, this Court is not inclined to grant any relief to the petitioners or similarly situated petitioners who have moved earlier to this Court for continuing their litigation after lapse of about 16 years and unnecessary involving the State authorities in litigation.

7. Accordingly, this writ petition stands dismissed.

(Dr. Anshuman, J)

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