

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8572 of 2019

1. Indu Kumari D/o Bharat Kunwar, Resident of Balua Tola, P.S. - Jadopur, District - Gopalganj.
2. Poonam Kumari wife of Sanjay Kumar, Resident of Village-Babu Bishunpur, P.S. - Jadopur, District - Gopalganj.
3. Chunman Prasad Singh Son of Ramashis Prasad Singh, Resident of Village - Dahi Bhatta, P.S. - Uchkagaon, District - Gopalganj.
4. Laxman Kumar Singh Son of Rama Singh, Resident of Village - Balua Tola, P.S. - Jadopur, District - Gopalganj.
5. Vijendra Pratap Singh Son of Birbali Prasad Singh, Resident of Village - Kararia, P.S. and District - Gopalganj.
6. Ravi Kumar Singh Janakdeo Singh, Resident of Village - Bhawaniganj, P.S. - Manjha, District - Gopalganj.
7. Amit Kumar Sri Birendra Roy, Resident of Village - Brindaban, P.S. - Uchkagaon, District - Gopalganj.
8. Vijay Kumar Yadawa, Son of Bachha Yadav, Resident of Village-Hira Pakar, P.S. - Yadopur, District - Gopalganj.
9. Birendra Kumar Son of Sri Majister Baitha, Resident of Village - Harpur Bazar, P.S. - Uchkagaon, District - Gopalganj.
10. Upendra Nath Tiwari, Son of Late Indrashan Tiwari, Resident of Village-Tiwari Cakiya, P.S. - Bhore, District - Gopalganj.
11. Birendra Kumar, Son of Shankar Prasad, Resident of Village - Sripur Dularpur, P.S. - Phulwariya, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the principal Secretary, Human Resources Development Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The District Education Officer, Gopalganj.
5. The District Programme Officer (Establishment), Gopalganj.
6. The Principal, Ram Ratan Sahi, Higher Secondary School, Bishunpur, Yadopur, District - Gopalganj.
7. The Principal Madhav High School - 2 Manjhagarh, District - Gopalganj.
8. The Principal Mangal Singh - 2 High School, Ratanpur, District - Gopalganj.
9. The Principal, Ram Das, Higher Secondary School, Sankhe Khas, Uchkagaon, District - Gopalganj.
10. The Principal, Higher Secondary School, Kalyanpur, Bhore, District - Gopalganj.

... .. Respondent/s

Appearance :



For the Petitioner/s : Mr.Ranjan Kumar Srivastava, Adv.
For the Respondent/s : Mr.Jai Prabhat Kishore, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 08-04-2024

Heard learned counsels for the parties.

2. The petitioners have prayed for following relief(s):

I) To issue an appropriate writ/writs, order/orders, direction/directions in the nature of certiorari for quashing the order contained vide Memo No. 1679 dated 20.11.2018 (Annexure-9) passed by the respondent no.2 whereby and whereunder claim of the petitioners for continuing/regularizing their service as Assistant Teachers in their respective school and for enhancing the wages of the petitioners has been refused without considering that petitioners have all the required qualification and they are discharging their duties as Teachers in (+2) High School Teacher in their respective schools since their date of joining in view of letter No. 1058 dated 17.06.2010.

II) For any other relief/reliefs for which the petitioners are found entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioners submits that the Director, Secondary Education, Government of Bihar, Patna vide letter No. 1058 dated 17.06.2010 issued direction to all the District Education Officers to appoint the post graduate teachers



and unemployed youths on contract basis in newly upgraded Higher Secondary School for imparting education up to 12 level. The Management Committee of the concerned schools unanimously decided to appoint the petitioners as teachers in different schools in the District of Gopalganj in view of the direction and order contained in letter No. 1058 dated 17.06.2010. The committee further decided to pay Rs. 150/- per day to the petitioners from the development fund of the institution. Pursuant to the aforesaid, appointment letters were issued and thereafter all the petitioners joined their respective schools.

4. It is further submitted that the petitioners represented before the District Education Officer, Gopalganj for regularization and enhancement of wages as they have been working as daily wager teachers since their date of joining in their respective schools but neither they have treated as regular teacher by the authorities nor their wages has been enhanced.

5. Being aggrieved, the petitioners filed different writ petitions mentioned in para 13 of the writ petition. The said writ applications were heard and disposed of with a direction to the petitioners to file representation before the Director, Secondary Education, Government of Bihar, Patna (respondent no.2) for redressal of their grievances, who shall examine and



pass an appropriate order in accordance with law. Pursuant to liberty granted by this Court, the petitioners filed representation along with the aforesaid orders of this Court before the respondent no.2, but the same was not considered properly by the respondent no.2 and he has passed the Memo No. 1679 dated 20.11.2018 rejecting the claim of the petitioners.

6. Learned counsel for the respondent nos. 1 & 2 have filed a counter-affidavit stating therein that from the impugned order, it is quite clear that the petitioners were engaged on contract basis by the Managing Committee of the concerned school as stop gap arrangement till the duly appointed teachers are being posted in the schools and, therefore, after posting of recruited teachers, the petitioners were restrained from engaging classes and hence, the petitioners had got no locus standi to challenge the same. It is further submitted that the petitioners have not been appointed through proper procedure of selection, whereas the appointment of the newly recruited teachers are being made under relevant provisions by following the procedures of appointment. Accordingly, the representation of the petitioners was rejected with a conclusive findings that the claim of the petitioners is not admissible in the eyes of law.

7. It is further submitted that somewhat similar relief was



sought for by the Guest Teacher in CWJC No. 8563 of 2022, but a Division Bench of this Court was pleased to dismiss the said writ application vide judgment dated 23.06.2022 having found on merit in the said case.

8. It is further submitted that the details of the teachers employed and working against the posts of the petitioners have been provided by the District Programme Officer, Establishment, Gopalganj vide letter no. 221 dated 09.03.2024 on the basis of the report provided by the Headmasters of the various schools related to the petitioners and from the same, it is evident that the recruitment/appointment vide the prescribed process has been done against the posts on which the services of the petitioners was taken earlier on the basis of temporary arrangement.

9. Considering the facts abovementioned, it is evident that this writ application is devoid of merit and hence, I deem it fit to dismiss the present writ application.

10. Accordingly, this writ application stands dismissed.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2024
Transmission Date	NA

