

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5025 of 2024

1. Kumud Ranjan S/o Late Hira Ram, Resident of village- Dhanupra, Post - Ara, P.S. - Ara Town, District - Ara (Bhojpur).
2. Chandra Bhanu Pratap, Son of Late Ram Kishore Singh, Resident of Village- Situhari, Post- Narayanpur, District - Ara (Bhojpur).
3. Kumud Ranjan, Son of Late Rajeshwar Pandey, Village - Jagdeopur, Post - Pachrukhiya, P.S. Agiyanv Bazar, District - Ara (Bhojpur).
4. Md. Ibrar Ansari @ Ivrrar Ansari, Son of Late Musa Ansari, Resident of Village - Nabinagar, Post - Piro, P.S. - Piro, District - Ara (Bhojpur).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The Director (Primary Education), Department of Education, Government of Bihar, New Secretariat, Patna.
4. The Regional Deputy Director, Ara Division, Ara.
5. The District Magistrate, Ara.
6. The District Education Officer, District - Ara.
7. The District Program Officer, (Establishment), District - Ara.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Purushottam Kumar Jha, Advocate
For the State	:	Mr. Standing Counsel 12

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-10-2024 Heard learned counsels for the parties.

2. This writ application has been filed for the following relief/s:-

“(i) To hold and declare that, the case of the petitioners for their absorption / appointment (on compassionate ground), on the Post of regular District Cadre Assistant Teacher, is squarely covered by the ratio of



the judgment and order of a Division Bench of this Hon'ble Court, dated 13.02.2020, in CWJC No. 15626 of 2019 (Chandra Shekhar Azad & Ors Vs. State of Bihar) and the State Govt. Notification (Adhisoochna) as contained in Memo No. 216 dated 24.02.2023, followed by the order of the Director, Primary Education, Govt. of Bihar, contained in Memo No. 1621 dated 16.09.2023. (Annexure - P 6 & P 7 respectively). Thus, the Petitioners are / were entitled for being absorbed/appointed/treated as regular District Cadre Assistant Teacher in regular Pay Scale of 9300-34800, G.P. 4200.

AND CONSEQUENT UPON SUCH DECLARATION

(ii) For issuance of an order, direction or a writ in the nature of Mandamus commanding the respondents concerned to issue necessary Office Orders for Absorbing the Services / Treating the Services of the Petitioners, as regularly appointed District Cadre Assistant Teacher, w.e.f. their respective, initial date of appointment, and extend the benefits of Regular Pay Scale (9300-34800, G.P. 4200), and further to make payment of all other consequential benefits to the Petitioners.

(iii) For grant of any other relief or reliefs to which the may be found entitled to in the facts and circumstances of this case.”

3. Learned learned counsel appearing on behalf of the petitioners submits that case of the petitioners is squarely covered by judgment of this Hon'ble Court dated 13.02.2020 passed in the case of **Chandra Shekhar Azad versus The State**



of Bihar and Others arising out of ***C.W.J.C. No. 15626 of 2019*** and analogous case and subsequent notification issued by the Joint Secretary, Education Department, Bihar, Patna contained in Memo No. 216 dated 24.02.2023 and followed order passed by the Director, Primary Education, Govt. of Bihar contained in Memo No. 1621 dated 16.09.2023.

4. Learned counsel appearing on behalf of the State is not in a position to dispute the contentions made on behalf of the petitioners.

5. In view of the aforesaid facts and circumstances of the case, this writ application is disposed of with a direction to the District Education Officer, District- Ara (Respondent No. 6) to consider the case of the petitioners in light of the judgment of this Hon'ble Court dated 13.02.2020 passed in the case of ***C.W.J.C. No. 15626 of 2019*** and subsequent notification issued by the Joint Secretary, Education Department, Bihar, Patna contained in Memo No. 216 dated 24.02.2023 and order passed by the Director, Primary Education, Govt. of Bihar contained in Memo No. 1621 dated 16.09.2023.

6. It is needless to say that if the case of the petitioners is found similar to that of petitioners in ***C.W.J.C. No. 15626 of 2019*** and covered by subsequent orders of the



Department of Education, appropriate orders shall be passed, in accordance with law, preferably within a period of three months from the date of receipt/production of a copy of this order.

(Prabhat Kumar Singh, J)

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