

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10876 of 2021

1. Rajesh Kumar S/o Nathuni Prasad Sah resident of Village- Moahammadpur, P.S.- Simri Bakhtiyarpur, District- Saharsa, presently posted as Assistant Mahanth Narain Das High School, Chakbharo, Saharsa.
2. Manindra Kumar S/o Jagdish Prasad Yadav resident of Village- Lakshmipur, P.S.- Uda- Kishunganj, District- Madhepura, presently posted as Assistant teacher, High School Bargaon, Sonbarsa, Saharsa.
3. Shrikant Kumar S/o Sawarn Deo Prasad Yadav resident of Village- Budhma, Lakhraj, P.S.- Madhepura, District- Madhepura, presently posted as Assistant Teacher, High School Sahshaul, Saharsa.
4. Ranjeet Kumar S/o Rajendra Mehta resident of Village- Maheshpur, P.O.- Samda, P.S.- Sour Bazar, District- Saharsa, presently posted as Assistant Mahanth Narain Das High School, Chakbharo, Saharsa.
5. Mantun Kumar S/o Ramdeo Bhagat resident of Village- Kashnagar, P.S.- Sonebarsa, District- Saharsa, presently posted as Assistant Teacher, High School Sahshaul, Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary Education Department, Govt. of Bihar, Patna.
3. The Director, Secondary Education Department, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Saharsa.
5. The District Education Officer, Saharsa, District- Saharsa.
6. The District Programme Officer (Establishment) Saharsa, District- Saharsa.
7. The District Development Commissioner-cum- Chief Executive Officer District Board Saharsa, District- Saharsa.
8. The Chairman, District Board Saharsa, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh
For the Respondent/s : Mr.Kameshwar Kumar (Gp17)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-08-2024 Heard learned counsel for the petitioners and learned
counsel for the State.



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

“1. For issuance of an appropriate writ in the nature of mandamus, commanding and directing the respondent authorities to count the service of the petitioners from 14.02.2014, as Assistant Teacher for all purposes, since the candidates other than the petitioners acquired the qualification of B.Ed except the institution established in the State of Jammu & Kashmir have been appointed on 14.02.2014 in the light of law laid down by the Hon’ble High Court in CWJC No.454/1992 order dated 16.10.2009 because due to oblique motive of the respondents suffered a lot and delay made in their appointment whereas National Council for Teacher Education (NCTE) vide its letter dated 27.06.2007 had already communicated to all education Secretaries under the country of India to this effect that the certificate issued from institution established in Jammu and Kashmir would be treated as valid.

Or

1. For issuance of an appropriate writ in the nature of mandamus, commanding and directing the respondent authorities to count the service of the petitioners w.e.f. 12.04.2017 in view of Memo No.894 dated 28.05.2019 for all purposes including consequential benefits because due to oblique motive of the respondents concerned the



petitioners have been appointed in the year 2019.

II. For issuance of any other appropriate/writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

3. A counter-affidavit is filed on behalf of the State, in which, it is stated at para-6 and 7 that petitioners have been given the benefit of continuity in service from 12.04.2017 i.e., the date of the amendment in Bihar Zila Parishad Secondary and Higher Secondary Teacher (Appointment and Service Conditions) Rules, 2006 and Bihar Municipal Board Secondary and Higher Secondary Teacher (Appointment and Service Conditions) Rules, 2006 by virtue of which the petitioners became eligible for appointment to the post of teacher under the Appointment Rules, 2006. In para-21 of the counter-affidavit, it is stated that the memo no.894 dated 28.05.2019 (annexure-9 to the writ petition) makes it clear that the period prior to the date of amendment i.e., 12.04.2017 has not been granted validity under the Appointment Rules, 2006 and thus, no benefit for this period can be extended.

4. Considering the statement made in para-21 of the counter-affidavit, the State is directed to grant all benefits to the



petitioners from 12.04.2017 within a period of four weeks from the date of production of a copy of this order.

5. With the aforesaid direction, the present writ application is disposed of.

(Anjani Kumar Sharan, J)

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