

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7006 of 2024

1. Jitendra Kumar Son of Sube Paswan, Resident of Mohalla Sainik Colony, A.T Gate, Police Station - Magadh Medical, Post Office - Civil Aerodram, District -Gaya, At present posted and working as Headmaster in Govt Parishad Middle School Paraiya, Anchal Paraiya, District - Gaya.
2. Tuleshwar Singh, Son of Late Rambhajan Singh, Resident of Village Atiya, Police Station Magadh University Bodh Gaya, District -Gaya At present posted and working as a Trained Graduate Teacher in Govt. Middle School Khajwati, Anchal - Bodh Gaya, District - Gaya.
3. Srivastava Rajesh Kumar, Son of Kali Prasad, Resident of Village- Miyan Bigaha, Police Station Bodh Gaya, District -Gaya, At present posted and working as a Graduate Trained Teacher in Govt. Middle School Dulra, Anchal Bodh Gaya, District -Gaya.
4. Sanjay Kr. Sharma @ Sanjay Kumar Sharma, Son of Sri Jagdeo Sharma, Resident of Village- Tali, Police Station - Bodh Gaya, District -Gaya At present posted and working as a Headmaster in Govt. Middle School Gudru, Anchal- Gurua, District - Gaya.
5. Vishnu Jee, Son of Tengari Ram, Resident of Village- Baraon Kala, Police Station Akorhi Gola, District -Rohtas, At present posted and working as a Headmaster in Govt. Urdu Middle School Bar Hussainganj, Anchal Sherghati, District - Gaya.
6. Mahendra Ram, Son of Ghurfekan Ram, Resident of Village Gogahra, Police Station - Karghar, District -Rohtas, At present posted and working as a Headmaster in Govt. Middle School Baligaoin, Anchal - Gurua, District - Gaya.
7. Sanjeet Kumar Singh, Son of Kameshwar Singh, Resident of Village- Amas (Bara), Police Station - Amas, District- Gaya, At present posted and working as a Headmaster in Govt. Kanya Middle School Ramna, Anchal Nagar Nigam (North), District - Gaya.
8. Amal Prakash Navin, Son of Lalmohan Paswan, Resident of Village -Domouhan, Police Station-Bodh Gaya, District -Gaya, At present posted and working as a Headmaster in Govt. Middle School Variya, Anchal - Dobhi, District - Gaya.
9. Arjun Das, Son of Late Faguni Das, Resident of Village- Bharari, Police Station Sherghati, District -Gaya At present posted and working as a Headmaster in Govt. Middle School Nadiyawan, Anchal Gurua, District - Gaya.
10. Kamlesh Prasad Singh, Son of Surist Narayan Singh, Resident of Mohalla Nutan Nagar, Police Station Sherghati, District - Gaya, At present posted and working as a Headmaster in Govt. Middle School B.T. Bigha, Anchal - Sherghati, District - Gaya.
11. Pawan Kr. Prabhakar @ Pawan Kumar Prabhakar, Son of Kameshwar Singh, Resident of Mohalla- Nutan Nagar, Nai Bazar, Police Station Sherghati, District Gaya At present posted and working as an Assistant Teacher in Govt. Middle School Raushanganj, Anchal - Bankey Bazar,



District - Gaya.

12. Ravindra Kumar, Son of Sitaram Prasad, Resident of Village Manjhauliya, Police Station Amas, District - Gaya, At present posted and working as a Headmaster in Govt. Middle School Manjhauliya -II, Anchal- Amas, District - Gaya.
13. Mahendra Das, Son of Ramchandra Das, Resident of Village - Baniya, Police Station - Madanpur, District - Aurangabad, At present posted and working as Headmaster in Govt. Middle School Shyamkala, Anchal- Amas, District-Gaya.
14. Anil Kumar Prabhakar, Son of Kameshwar Singh, Resident of Mohalla Nutan Nagar, Nai Bazar, Police Station- Sherghati, District -Gaya, At present posted and working as Headmaster in Govt. Middle School Kolhubar, Anchal - Dumariya, District - Gaya.
15. Sanjay Kumar, Son of Jageshwar Prasad, Resident of Village Sherpur, Police Station- Gurua, District - Gaya, At present posted and working as Headmaster in Govt. Middle School Srirampur, Anchal- Sherghati, District - Gaya.
16. Sakaldeep Ram, Son of Late Darshan Ram, Resident of Village Harli, Police Station Badkagaon, District - Hazaribagh (Jharkhand), At present posted and working as Headmaster in Govt. Middle School Amas, Anchal- Amas, District- Gaya.
17. Rajesh Kumar, Son of Kedar Prasad, Resident of Village Nagwan Bara, Police Station Imamganj, District - Gaya, At present posted and working as Trained Graduate Teacher in Govt. Middle School Rajapur, Anchal- Bodh Gaya, District - Gaya.
18. Pramod Kumar, Son of Ram Rup Ram, Resident of Village Gahna, Police Station - Haspura, District - Aurangabad, At present posted and working as a Headmaster in Govt. Middle School Silounja, Anchal- Bodh Gaya, District - Gaya.
19. Amrendra Kumar, Son of Jagannath Prasad, Resident of Village- Tekuna, Police Station- Bodh Gaya, District - Gaya, At present posted and working as Headmaster in Govt. Middle School Asani, Anchal - Bodh Gaya, District- Gaya.
20. Raju Prasad, Son of Late Ramkeshwar Rajak, Resident of Village- Makhlaut Ganj, Mohib Ali Lane, Police Station- Kotwali, District - Gaya, At present posted and working as Headmaster in Govt. Kanya Middle School Mangrawan, Anchal - Paraiya, District - Gaya.
21. D. Shankar @ Dharani Shankar, Son of Dev Charan, Resident of Mohalla- Gautam Nagar, North of Middle School Sandhuti, Police Station Chandauti, District -Gaya, At present posted and working as Headmaster in Govt. Middle School Sudhni, Anchal- Paraiya, District- Gaya.
22. Sudhir Kumar, Son of Ramchandra Baitha, Resident of Mohalla -Sainik Colony, A.T. Gate, Police Station- Magadh Medical, District - Gaya, At present posted and working as Headmaster in Govt. Middle School Itara, Anchal- Bodh Gaya, District - Gaya.
23. Rajendra Baitha, Son of late Manjoor Baitha, Resident of Mohalla -Sainik Colony, Road No.- 3, near - A.T. Gate, Police Station- Magadh Medical,



- District Gaya, At present posted and working as Headmaster in Govt. Middle School Shyamnagar Nima, Anchal- Amas, District Gaya.
24. Chit Ranjan Singh, Son of Dhruvpati Singh, Resident of Mohalla- Paraiya Khurd, Police Station Paraiya, District -Gaya, At present posted and working as Headmaster in Govt. Middle School Koyari Bigha, Anchal - Paraiya, District - Gaya.
 25. Singeshwar Paswan, Son of Ramlakhan Paswan, Resident of Village - Budh Paraiya, Police Station Paraiya, District - Gaya, At present posted and working as Headmaster in Govt. Middle School Bandhu Bigaha, Anchal - Paraiya, District - Gaya.
 26. Raj Kumar, Son of Yadunandan Ram, Resident of Village - Tetar, Police Station - Atari, District - Gaya, At present posted and working as Headmaster in Govt Middle School Paharpur, Anchal - Amas, District - Gaya.
 27. Uday Kumar, Son of Shiv Shankar Paswan, Resident of Mohalla - Bageshwari Bam Baba, Police Station Delha, District - Gaya, At present posted and working as Headmaster in Govt. Adarsh Middle School Silounja, Anchal - Belaganj, District - Gaya.
 28. Indal Paswan, Son of Late Ramchandra Paswan, Resident of Mohalla- Dhaniya Bagaicha, Tekari Road, Police Station - Delha, District - Gaya, At present posted and working as Headmaster in Govt. Middle School Yamune, Anchal - Nagar Prakhanda, District - Gaya.
 29. Gautam Kumar, Son of Ramnandan Prasad Vidyarthi, Resident of Village Janakpur, Police Station Muffasil, District - Gaya, At present posted and working as Headmaster in Govt. Middle School Mirpur, Anchal - Manpur, District - Gaya.
 30. Dayanand Saraswati, Son of Jai Jai Ram Singh, Resident of Village Dhandhula, Police Station- Tekari, District - Gaya, At present posted and working as Headmaster in Govt. Middle School Tapa Fatehpur, Anchal - Tekari, District - Gaya.
 31. Chandramani Kumar, Son of Ramawtar Mehta, Resident of Village Janakpur, Police Station- Manpur, District - Gaya, At present posted and working as Headmaster in Govt. Middle School Goga, Anchal- Manpur, District - Gaya.
 32. Subhash Das, Son of Late Deoki Ram, Resident of Village Dakhingaon, Police Station- Wazirganj, District -Gaya, At present posted and working as an Assistant Teacher in Govt. Middle School Pipra, Anchal- Wazirganj, District - Gaya.
 33. Mukesh Kumar, Son of Rameshwar Prasad, Resident of Mohalla- Kumar Colony, Maharani Road, Nai Godam, Police Station - Kotwali, District - Gaya, At present posted and working as Headmaster in Govt. Adarsh Middle School Shadipur, Anchal- Manpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary -cum-the Principal Secretary, Education Department, Govt. of Bihar, Patna.



- 3. The Additional Chief Secretary-cum-the Principal Secretary, Finance Department, Govt. of Bihar, Patna.
- 4. The Director, Primary Education, Bihar, Patna.
- 5. The Regional Deputy Director of Education, Magadh Division, Gaya.
- 6. The District Education Officer, Gaya.
- 7. The District Programme Officer (Establishment), Gaya.
- 8. The District Accounts Officer, Gaya.
- 9. The District Treasury Officer, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Government Pleader (20)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 14-11-2024 Heard learned counsel for the petitioners and respondents.

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

(i). For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to provide the benefits in the light of letter no. 571 dated 13.06.2023 issued under the signature of the Director, Primary Education, Education Department, Govt. of Bihar, Patna, by which, direction has been given for providing the notional benefits of trained pay scale from the date of relieving after completion of training and monetary benefits from the date of publication of result of teachers training and since the petitioners had been sent for one year in-service teachers training course for the session 2000- 2001 and after completion of training, they were relieved to join their respective schools on 29.08.2001 and in the light of the aforesaid letters, the petitioners are entitled for grant of notional benefits since 29.08.2001, the date on which, they were relieved to join their respective schools after completion of training and due to not providing the notional benefit from the date of their



entitlement, the petitioners are at loss of seniority etc.

(ii). For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider the case of the petitioners in the light of the aforesaid letter no. 571 dated 13.06.2023 issued under the signature of the Director, Primary Education, Education Department, Govt. of Bihar, Patna and to provide the notional benefits from the date of completion of training, as there is laches on the part of the respondent/State for not sending the petitioners for in-service teachers training course and taking examination belatedly in which all the petitioners successfully passed.

(iii). For issuance of an appropriate writ in the nature of mandamus as an alternative prayer of the petitioners for directing the respondent authorities concerned to dispose of the representations of the petitioners dated 05.03.2024 addressed to the District Education Officer, Gaya and the District Programme Officer (Establishment), Gaya and the representation dated 06.03.2024 addressed to the Regional Deputy Director of Education, Magadh Division, Gaya by reasoned and speaking order by ventilating the genuine grievance of the petitioners for providing the notional benefits from the date of relieving after successful completion of teachers training.

3. At the outset, learned counsel appearing on behalf of the petitioners submits that case of the petitioners is fully covered by the order of this Hon'ble Court passed in **C.W.J.C. No. 16165 of 2019** dated 09.08.2019.

4. Learned counsel appearing on behalf of the respondents is not in a position to dispute the contentions raised 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 petitioners to file fresh representation before the District Programme Officer (Establishment), Gaya (Respondent No. 7) along with all the necessary documents and details in support of their claim within a period of six weeks from today.

6. In the event the petitioners file their representation within the stipulated period, the District Programme Officer (Establishment), Gaya (Respondent No. 7) shall examine the case of the petitioners in accordance with law and in light of the order dated 09.08.2019 passed by this Hon'ble Court in ***C.W.J.C. No. 16165 of 2019*** and dispose of the representation of the petitioners, after hearing the parties, by a reasoned and speaking order, preferably within a period of ten weeks from the date of filing of the representation. If the claim of the petitioners is found genuine, all the admissible dues must be extended to the petitioners within a period of six months thereafter.

7. Writ petition stands disposed of in the aforesaid terms.

(Prabhat Kumar Singh, J)

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