

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15909 of 2014

Ram Pratap Mahto son of Late Sukeswar Mahto, Assistant Teacher Ramdeo Bhagat Baldeo Chaudhary Project Girls High School Bhutahi, Police Station and Block-Sonbarsa, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Education, Government of Bihar New Secretariat, Vikas Bhawan, Patna.
2. The Director (Secondary Education), Education Department of, Bihar Secondary Education Office, Budh Marg, Patna.
3. The Deputy Director (Secondary Education), in Charge Project Schools, Education Department, Bihar, Secondary Education Office, Budh Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bijay Kumar Pandey
Mr. Ajay Kumar Sharma
Ms. Arpana Kumari
For the Respondent/s : Ms. Binita Singh, SC 28

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 11 22-08-2024 1. Heard learned Counsel for the parties concerned.
2. The petitioner has filed the present writ application for recognition of his services as Assistant Teacher under Project School and for payment of consequential benefits.
3. Learned Counsel for the petitioner submits that after the judgment of Full Bench of this Court, the matter was examined by a Three-Men Committee, who has submitted its report, stating therein that the claim for recognition of services of Physical Teachers can only be considered if



the teacher was appointed by the Managing Committee as per the post under the staffing pattern.

4. Referring to the report of the Committee, learned Counsel submits that in the remarks column, the petitioner has been shown to be D.P.Ed. (Diploma in Physical Education) and has been placed at Category-1.
5. The petitioner was appointed as Assistant Teacher in the year 1976 by the Managing Committee on the post earmarked under the staffing pattern of Civics, but the claim of the petitioner for recognition of his services has been refused by the Director on the ground that no post was available for physical trained teachers under the staffing pattern.
6. Learned Counsel submits that in similar circumstances, in the case of Maheshwar Prasad Singh v. The State of Bihar and Others (CWJC No. 13159 of 2013) and Kriti Kumar v. The State of Bihar and Others (CWJC No. 13104 of 2013), a co-ordinate Bench of this Court has passed order on 22.05.2015, directing the Director, Secondary Education, to examine the matter, who, at the first instance, rejected the claim of the petitioner Maheshwar Prasad Singh. However, the matter was considered as per



the order passed in contempt case and thereafter the Director issued a corrigendum/Office Order, by which the services of Maheshwar Prasad Singh, who was similarly situated to the petitioner, was recognized. The case of the petitioner is exactly similar to Maheshwar Prasad Singh.

7. Learned Counsel further submits that identical cases of the Physical Teachers were also considered by this Court in CWJC Nos. 12531, 15444 and 15918 of 2014, in which this Court directed the Director, Secondary Education, to examine the claim of the teachers, in the light of the order, dated 22.05.2015, passed in CWJC No. 13159 of 2015, and the Director, after examining the entire matter, recognized the services of those teachers, who were petitioners in the aforesaid writ applications.
8. The L.P.A. Nos. 262 of 2017 and L.P.A. Nos. 657 and 855 of 2019, preferred by the State, against the orders passed by this Court, in CWJC Nos. 13104 of 2013, 12531 of 2014 and 15444 of 2014 respectively has been dismissed.
9. Learned Counsel for the State submits that the Director, Secondary Education, may be directed to examine the claim of the petitioner in the light of the aforesaid judgments.



10. Having heard learned Counsel for the parties concerned, this writ application is disposed with a direction to the Director, Secondary Education, to examine the claim of the petitioner in the light of the orders passed by this Court in CWJC No. 13159 of 2013 and other cases and if it is found that the case of the petitioner is similar to the case of Maheshwar Prasad Singh, similar benefit should be extended to the petitioner also in accordance with law.
- 11.A final decision in this regard must be taken by the Director within a period of five months from the date of receipt/production of a copy of this order.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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