

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12682 of 2016

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1. Ravi Bhushan Kumar son of Satya Narayan Pandey Resident of Village-Devdatwa, P.S.-Sugauli, District-East Champaran
 2. Indra Bhushan Pandey son of Satya Narayan Pandey Resident of Village-Devdatwa, P.S.- Sugauli, District-East Champaran
 3. Kanhaiya Baitha son of Ramashray Baitha Resident of Village-Panchbhirwa, P.S.-Sugauli, District-East Champaran
 4. Chandeshwar Kumar son of Tulsi Hazara Resident of Village-Panchbhirwa, P.S.-Sugauli, District-East Champaran
 5. Babita Kumari D/o Hari Shankar Sah Resident of Village-Panchbhirwa, P.S.-Sugauli, District-East Champaran
 6. Sanjay Kumar Chaudhary son of Sri Surendra Chaudhary Resident of Village-Baksha, P.S.- Sugauli, District-East Champaran
 7. Rajesh Prasad Yadav son of Sri Hira Lal Yadav Resident of Village-Unwa, P.S.-Sugauli, District-East Champaran
 8. Rupesh Kumar Tiwary son of Sri Bali ram Tiwari Resident of Village-Khoda, P.S.- Sugauli, District-East Champaran
 9. Awadhesh Prasad Yadav son of Sri Rudal Prasad Yadav Resident of Village-Khoda, P.S.- Sugauli, District-East Champaran
 10. Jacky Sagar son of Sri Indrashan Singh Resident of Village-Shripur Chintamanpur, P.S.- Sugauli, District-East Champaran
 11. Dilip kumar Sahani son of Ramindya Sahani Resident of Village-Bel Tola, P.S.-Sugauli, District-East Champaran
 12. Suresh Sahani son of Indrashan Sahani Resident of Village-Bel Tola, P.S.-Sugauli, District-East Champaran
 13. Janki Devi wife of Awadh Kishore Yadav Resident of Village-Mali, P.S.-Sugauli, District-East Champaran
 14. Md. Arif son of Late Sheikh Vajul Haque Resident of Village-Panjiyarwa, P.S.- Sugauli, District-East Champaran
 15. Jitesh Kumar Mishra son of Sri Shyam Chandra Mishra Resident of Village-Panjiyarwa, P.S.- Sugauli, District-East Champaran
 16. Tufail Ahmad son of Abdul Gani Resident of Village-Baksha, P.S.- Sugauli, District-East Champaran
 17. Prabhu Ram son of Chhathu Ram Resident of Village-Sugaon Dih, P.S.-Sugauli, District-East Champaran
 18. Om prakash Tiwary son of Sri Niwas Tiwary Resident of Village-Sugaon, P.S.-Sugauli, District-East Champaran



19. Rajesh Kumar son of Sri Hazari Prasad Resident of Village-Sugauli, P.S.-Sugauli, District-East Champaran
20. Rajesh Baitha son of Ramashish Baitha Resident of Village-Sugauli, P.S.-Sugauli, District-East Champaran
21. Vinay Kumar son of Raghunath Prasad Resident of Village-Sugauli, P.S.-Sugauli, District-East Champaran
22. Barrister Thakur son of Dharkhan Thakur Resident of Village-Roshanpur Sapahu, P.S.- Sugauli, District- East Champaran
23. Jitendra Kumar Prasad son of Yamuna Sah Resident of Village-Belwatia, P.S.-Sugauli, District-East Champaran
24. Lal Babu Thakur son of Shukhan Thakur Resident of Village-Kauwahar, P.S.-Sugauli, District-East Champaran
25. Rakesh Kumar Mishra son of Sri Bachcha Mishra Resident of Village-Karamawa, P.s.-Sugauli, District-East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The Director, Bihar Education, Project Govt. of Bihar, Patna.
4. The District Magistrate, East Champaran, Motihari
5. The District Superintendent of Education cum District Programme Co-coordinator, Bihar Education Pro

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar
For the Respondent/s : Mr.Vinay Kriti Singh-GA 2

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 06-05-2024 1. The petitioners, who were Lok Shikshaks, have filed the present writ application, praying therein to absorb their services on the post of Panchayat Teachers.
2. The brief facts of the case is that the petitioners were appointed as Lok Shikshak for 12 months on contractual basis in the year 2002 at par with Shiksha Mitra.



3. Learned Counsel for the petitioners submits that Shiksha Mitra has been absorbed as Panchayat Teacher after coming into force Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rule, 2006 (hereinafter referred to as “the Rule, 2006”), but the petitioners have not been considered for absorption/regularization.
4. A co-ordinate Bench of this Court, vide order, dated 21.03.2012, passed in C.W.J.C. No. 14493 of 2008 (filed by the similarly situated persons) disposed the writ application with liberty to the writ petitioners to file representation before the Principal Secretary, Human Resources Development Department, for consideration of their claim for absorption at par with Shiksha Mitra.
5. Pursuant thereto, the Principal Secretary, Education Department, after detailed discussion, vide memo dated 31.08.2015, decided that the Lok Shikshaks are not entitled to be absorbed as Panchayat Teacher and rejected the claim of the writ petitioners.
6. After rejection of the claim of the writ petitioners for their absorption at par with Shiksha Mitra vide order, passed by the Principal Secretary, Education Department, the



writ petitioners again approached this Court by filing CWJC No. 1109 of 2017, challenging the order, issued under the memo, dated 31.08.2015.

7. The learned Single Judge disposed the writ application, vide order, dated 30.11.2017, as learned Counsel for the petitioners conceded, to the extent that direction for regularization, after the decision of the Supreme Court, in the Case of **Secretary, State of Karnataka and Others v. Umadevi and Others**, reported in **(2006) 4 SCC 1**, that their regularization is impermissible.
8. Learned Counsel for the State submits that Rules have been amended from time to time and now Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rule, 2023 for appointment of Teachers have been framed and as per the 2023 Rules, the appointment of teachers shall be made on regular basis through open competitive examination held by Bihar Public Service Commission.
9. In view of the rival submissions made by the parties and the fact that now Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rule, 2023 has come into force for appointment of teachers on regular basis, no relief can be granted to the petitioners.



10. The present writ application is accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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