

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7359 of 2024

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Raj Narayan Paswan S/O Ateran Paswan Resident of Village and P.O.-
Sakhmohan, Vaya Narhan, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar Through Addl. Chief Secretary, Department of Education
Government of Bihar, Patna
2. The Director Primary Education, Government of Bihar, Patna
3. The Joint Director Primary Education, Government of Bihar, Patna
4. The Director (Training And Research) Department of Education, Bihar,
Patna
5. The District Education Officer, Samastipur
6. The District Program Officer, Samastipur
7. The Chairman, Staff Selection Commission, P.O- Veterinary College, P.S-
Shastrinagar, District- Patna

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Ganesh Prasad Singh, Advocate
For the State	:	Ms. Archana Meenakshee, GP-6
For the B.S.S.C.	:	Mr. Subodh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-11-2024 Heard learned counsel for the parties.

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

*“(i) To issue direction, order or writ in the nature of
Mandamus, or any other appropriate writ/writs,
order/orders, direction/directions, to directing and
commanding the respondents to appoint the petitioner
on the post of Assistant Teacher (Trained) in pursuance
of Advertisement No. 210/2010 as merit list was
prepared of petitioner and other persons and
recommended the same after allotting the district for
appointment on the said post, and for that Counselling
of the petitioner was also conducted by respondent
District Education Officer in light of direction of the*



Director, Primary Education, Government of Bihar, Patna dated 30.08.2019, but till date appointment letter has not been issued in favor of the petitioner.

- (ii) *For issuance of a direction, order, writ including writ in nature of "Mandamus" to directing and commanding the respondents to appoint the petitioner on the post of Assistant Teacher (Trained) in pursuance Advertisement No. 210/2010 as the petitioner has valid degree of teacher Training Course duly recognized by the competent authorities and number of similarly situated persons who have also got Degree from same Training Institution, they have already been appointed by the respondent authorities but candidature of this petitioner is kept in abeyance after counselling and selection, as appointment letter has not been issued in favor of the petitioner.*
- (iii) *To issue a direction, order, or writ upon the respondents to grant all subsequent benefit after appointment from the date of recommendation i.e. 30.08.2019 against the vacancy of 2413 posts out of 34,540 posts in the light of (remand) order passed by the Hon'ble Supreme court of India vide order dated 18.07.2013 in S.L.P (Civil) Case No. 26825 of 2012.*
- (iv) *To issue any other relief/reliefs that the petitioner may be found to be entitled in the fact and circumstances of the present case."*

3. At the outset, learned counsel appearing on behalf of the petitioner submits that the issue raised in the instant writ application has already been decided by this Hon'ble Court vide order dated 18.09.2023 passed in the case of ***Vijay Kumar and Others versus The State of Bihar and Others*** arising out of ***C.W.J.C. No. 2787 of 2021***. Learned counsel has relied upon Paragraph Nos. 8 and 9 of the said order, which reads as follows:-



“8. Having regard to the facts of the case and the materials available on the record, this Court finds that the matter relating to the joining of the petitioners have been kept pending because of complete inaction on the part of the respondent authorities. The Director, Primary Education, Department of Education, Government of Bihar is sitting over the matter despite the letter as contained in Memo No. 949 dated 16.04.2022 written by the District Education Officer, East Champaran, Motihari. This has resulted in not acting in accordance with the judgment of this Court in LPA No. 1210 of 2017 arising out of CWJC No. 4506 of 2016. It appears from Annexure ‘9’ to the writ application which is a copy of letter no. 584 dated 08.06.2017 that the said letter was written as back as on 08.06.2017.

9. This Court, therefore, directs that immediate step shall be taken to implement the judgment of this Court, consider the case of the petitioners in the light of the judgments and allow them to join if they were appointed under the 34,540 list. They would also be entitled for the consequential benefits which would be allowed to the similarly situated persons who are covered by the judgment of the Hon’ble Division Bench of this Court in LPA No. 1254 of 2016. Let the complete exercise be done within a period of two months from today.”

4. Learned counsels appearing on behalf of the respondents are not in a position to dispute the contentions raised on behalf of the petitioner.

5. In view of the aforesaid facts and circumstances of



the case, the respondents are directed to take immediate steps and consider the case of the petitioner in light of the judgment passed by this Court in *C.W.J.C. No. 2787 of 2021* and allow the petitioner to join, if he was appointed under the 34,540 list. It is needless to say that the petitioner would also be entitled for the consequential benefits which have be allowed to the similarly situated persons who are covered by the judgment of the Hon'ble Division Bench of this Court passed in *L.P.A. No. 1254 of 2016*. Let the complete exercise be done within a period of two months from the date of receipt/production of a copy of this order.

6. With the aforesaid observations and directions, this writ application stands allowed.

(Prabhat Kumar Singh, J)

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