

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12269 of 2016

1. Chanda Pandey and Ors wife of Anil Kumar Pandey, resident of Village Post Office- Nagma, Police Station- Naubatpur, District- Patna.
2. Ramhirday Rai, son of Late Ram Ekbal Rai, resident of Village- Ahiyari, Police Station- Kamtaul, District- Patna.
3. Raj Mohan Rai, son of Buttan Rai, resident of Village- Patila, Police Station- Maner, District- Patna.
4. Mina Devi, wife of Akhileshwar Singh, resident of Village- Mahinama Bazar, Police Station- Maner, District- Patna.
5. Ashok Kumar Jha, son of Shobha Kant Jha, resident of Village Govindpur, Police Station- Pratapganj, District- Supaul.
6. Abdus Samad, son of Md. Siddique Alam, resident of Village- Ward No. 13, Chhithi Hanuman Nagar, Police Station-Chhithi Hanuman Nagar, District- Supaul.
7. Rajesh Kuar, son of Kunjilal Yadav, resident of Village- Chikni, Police Station- Saraigard, District- Supaul.
8. Anil Kumar Rajak, son of Deo Narain Rajak, resident of Village- Majhaua, Police Station- Saraigard, District- Supaul.
9. Parmeshwar Choupal, son of Gosain Sharma, resident of Village- Pipra Khudar, Police Station- Saraigard, District- Supaul.
10. Ranjeet Paswan, son of Chhathu Paswan, resident of Village- Mahmudpur Gangti, Police Station- Goraul, District- Vaishali.
11. Harilal Sah, son of Rajdeo Sah, resident of Village- Chaknoor, Police Station- Goraul, District- Vaishali.
12. Vinod Ram, son of Anandi Ram, resident of Village- Bakhri Sultan @ Chanpur, Police Station- Goraul, District- Vaishali.
13. Dhiraj Kumar, son of Shankar Thakur, resident of Village- Shehan, Police Station- Goraul, District- Vaishali.
14. Mohan Kumar @ Mohan son of Sonelal Paswan, resident of Village- Sharepur, Jalal, Police Station- Goraul, District- Vaishali.
15. Nishant Kumar, son of Surendra Rai, resident of Village- Fatehpur Chowk, Suleman, Police Station- Goraul, District- Vaishali.
16. Vinay Kumar, son of Suresh Singh, resident of village- Mandil Chowk, Police Station- Barbiga, District- Jehanabad.
17. Rajesh Prasad Sah, son of Sri Jatai Sah, resident of villlage- Satjora, Police Station- Panapur, District- Saran.
18. Abhilasha Devi, Wife of Sri Balindra Choubey, resident of Village- Chahuta, Police Station- Bisfi District- Madhubani.
19. Surendra Kuar Suman, Son of Sri Choudhary Prasad, resident of Village- Bairba, Police Station- Madhbapur, District- Madhubani.
20. Dasrath Prasad, son of Yugal Kishore Prasad, Resident of Village- Chamaghara, Police Station - Ramgard, District- Lakhisarai.



21. Vijay Kumar Sah, Son of Yogendra Sah, resident of Village- Jahagirtol, Police Station- Kamtaul, District- Darbhanga.
22. Abdesb Kumar Rai, Son of Shatrughan Rai, resident of Village- Khajurbara, Police Station- Kamtaul, District- Darbhanga.
23. Shatrughan Paswan, son of Basudeo Paswan, resident of Village- Radhi, Police Station- Jaley, District- Darbhanga.
24. Jivachh Bhagat, son of Ram Swaroop Bhagat, resident of Village- Dubouli, Police Station- Baheri, District- Darbhanga.
25. Kamlesh Kumar, son of Late Ram Kishun Tiwary, resident of Village- Sarwali, Police Station- Banshi, District- Arwal.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Prinicipal Secretary, Education Department, Government of Biha,r New Secretariat, Patna.
3. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Tiwary
For the Respondent/s : Mr. Gp20- Madanjeet Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 03-05-2024 1. The petitioners have filed the present writ application challenging the Memo No. 1018 dated 31.08.2015, passed by the Principal Secretary, Education Department, Government of Bihar, whereby the claim of the petitioner for absorption/ regularization on the post of Lok Shikshak has been rejected.
2. The brief facts of the case are that the petitioners were appointed as Lok Shikshak for 11 months on contractual basis in the year, 2003 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. Pursuant to the order passed by a co-ordinate Bench of this Court in C.W.J.C. no. 14493 of 2008 and the claim of regularization/ absorption of the petitioners was rejected on 31.08.2015, this writ application has been filed in the year 2016, seeking absorption/ regularization as Panchayat Teacher, relying upon a judgment passed by this Court in C.W.J.C. No. 1109 of 2017.
5. Learned counsel further submits that while rejecting the claim of the petitioners, certain relaxation and weightage of marks has been provided to the Lok Shikshak in the matter of selection of Panchayat Teacher as per Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rule, 2012.
6. 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.

7. In view of the rival submissions made by the parties and the fact that the claim of absorption of the petitioners in C.W.J.C. no. 1109 of 2017 was rejected as also considering 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.
8. The present writ application is accordingly, dismissed.

(Anil Kumar Sinha, J)

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