

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.808 of 2023**

**In**

**Civil Writ Jurisdiction Case No.5760 of 2022**

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1. Raj Kumar Son of Virchandra Mahto resident of Village - Nista, P.O. - Haripur, P.S.- Alouli, District - Khagaria.
  2. Manoj Kumar, Son of Raghunandan Prasad resident of Village- Krishnapuri, P.O. - Kotwali, P.S. and District - Munger.
  3. Dhananjay Kumar, Son of Omprakash Gupta resident of Village/Mohalla and P.O.- Arthu, P.S.- Dinara, District- Rohtas.
  4. Vir Kumar Singh, Son of Rajeshwar Singh resident of Village and P.O. - Pratappur, P.S. Sandesh, District- Bhojpur.
  5. Sujit Kumar Jha, Son of Gariv Jha resident of Village and P.O. - Sirsi, P.S.- Nanpur, District- Sitamadhi.
  6. Abhay Kumar, Son of Chhote Lal Yadav resident of Village and P.O.- Madhepura Kahra, P.S. and District - Madhepura.
  7. Vibhash Kumar Yadav, Son of Jaykant Yadav resident of Village and P.O.- Latraha, P.S.- B- Kothi, District - Purnia.
  8. Kumar Gopal Gaurav, Son of Manohar Prasad Yadav resident of Village and P.O. and P.S.- Janaki Nagar, District - Purnia.
  9. Md. Hassan Murtaza, Son of Md. Hashmuddin resident of Village - Damalbari, P.O.- Singhia, P.S. - Paharkatta, District- Kishanganj.
  10. Santosh Kumar Suman, Son of Late Shyam Kishor Yadav resident of Village and P.O. and P.S.- Srinagar, District- Madhepura.
  11. Saroj Kumar Sinha, Son of Basant Kumar Sinha resident of Village - Barmani, P.O. Kharudah, P.S.- Powakhali, District- Kishanganj.
  12. Biresh Yadav, Son of Dalsingar Yadav resident of Village- Tulasiyan, P.S. - Uchka Gaown, District- Gopalganj.
  13. Mashudan Kumar, Son of Kanhaiya Ram resident of Village - Khilaphatpur, P.O.- Chausa, P.S.- Mufassil Buxar, District- Buxar 802114.
  14. Aswani Kumar, Son of Mahendra Singh resident of Village and P.O. and P.S.- Jagdishpur, District- Bhojpur.
  15. Rahul, Son of Sri Jagdeo Prasad Mahto resident of Vishnupuri, P.O. - Anisabad, P.S.- Gardanibag, District - Patna.
  16. Mukund Kumar Goswami, Son of Deonandan Goswami resident of Village- Parwan Ke Mathia, P.O. - Parwan, P.S.- Barharia, District- Siwan.
  17. Anup Kumar Sharma, Son of Dhannjay Sharma resident of Village - Kanthi Bathua, P.O. Bathva Bazar, P.S.- Phulwariya, District- Gopalganj.
  18. Raju Prasad, Son of Harihar Prasad resident of Village- Tulsiyan, P.O. - Sankhe Khas, P.S.- Uchakagawan, District - Gopalganj.
  19. Pradeep Kumar Kushwaha, Son of Harihar Prasad resident of Village- Tulsiya, P.O. - Sankhe Khas, P.S.- Uchkagawon, District - Gopalganj.
  20. Jay Krishan Kumar Choudhary, Son of Nandlal Choudhary resident of



Village - Dhir Bajar, Ward No. 08, P.O. and P.S.- Banmankhi, District- Purnea.

21. Pappu Kumar, Son of Meghanath Prasad resident of Village and P.O. and P.S.- Dhansoi, District- Buxar.
22. Ranjeet Kumar, Son of Sadhusharan Prasad resident of Village/ Mohalla- Dindayalganj, P.O.- Kovil, P.S.- Islampur, District- Nalanda.
23. Santosh Kumar, Son of Ramdeo Singh resident of Village and P.O.- Atimi, P.S. - Nawanagar, District - Buxar.
24. Sonu Kumar Singh, Son of Bishard Chaudhary resident of Village and P.O. - Kapasiyan, P.S. - Kochas, District- Rohtas.
25. Dhananjay Kumar, Son of Baban Singh resident of Village/Mohalla - Flat No. 203, Onanuradha Niketan, Ambedkar Chowk, Hanuman Nagar, Kankarbag, Patna, P.O.- Lohianagar, P.S. - Agamkuan, District- Patna.
26. Rakesh Kumar, Son of Janardan Singh resident of Village- Panditpura, P.O.- Akodha, P.S.- Dinara, District- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Education Department, Govt. of Bihar, Patna.

... .. Respondent/s

with

**Letters Patent Appeal No. 684 of 2023**

**In**

**Civil Writ Jurisdiction Case No.19677 of 2021**

1. Manish Raj Son of Vishwanath Pandey resident of Village Bankat Mushahri, P.O. Ratanmala, P.S. Majhauria, District West Champaran.
2. Akhilesh Kumar Yadav, Son of Late Suresh Prasad Yadav resident of Village and P.O. Parsa, P.S. Bagaha, District - West Champaran.
3. Madhavendra Kumar Thakur, Son of Late Ghura Thakur resident of Village Chautarwa Bargoan, P.O. Bargoan, P.S.- Bagaha, District - West Champaran.
4. Guddu Kumar Gupta, Son of Prahalad Sah resident of Village Belwa, P.O. Lauriya, P.S. Lauriya, District - West Champaran.
5. Upendra Thakur, Son of Jokhu Thakur resident of Village Mahna, P.O. Chanpatia, P.S. Chanpatia, District - West Champaran.
6. Gautam Kumar, Son of Rajendra Yadav resident of Village Balhampur, P.O. Balhampur, P.S. Bakhtiyarpur, District - Saharsa.
7. Ram Vikash Kumar Singh, Son of Suresh Singh resident of Village Khairwa, P.O. Bhiswa, P.S. Bela, District - Sitamarhi.
8. Md. Ashif Akbal Ansari, Son of Md. Umar Ansari resident of Village Dilgouri, P.O. Sultanganj, P.S. Sultanganj, District - Bhagalpur.



9. Sudhir Kumar Yadav, Son of Jagdish Yadav resident of Village Murila, P.O. Ramnagar, P.S. Ramnagar, District - West Champaran.
10. Umesh Prasad Gupta, Son of Vinod Prasad Gupta resident of Village Sukhlahi, P.O. Bhaluwahiya, P.S. Mainatand, District - West Champaran.
11. Santosh Kumar, Son of Baiju Prasad resident of Koat Bazar, Ward No. 13, P.O. Koat Bazar, P.S. Sitamarhi Sadar, District - Sitamarhi.
12. Kunal Mithun Prakash, Son of Ram Ishwar Ram resident of Village Sahejani, P.O. Hasan Bazar, P.S. Piro, District - Bhojpur.
13. Nand Kishor Kumar, Son of Mohan Singh resident of Village Jalsi, P.O. Harnahiya, P.S. Sahiyara, District - Sitamarhi.
14. Pintu Kumar Singh, Son of Satyanarayan Singh resident of Village Sugahi, P.O. Chhaurahiya, P.S. Sahiyara, District - Sitamarhi.
15. Mukesh Kumar, Son of Upendra Mandal resident of Village Sarhila, P.O. Boraj, P.S.- Hathauri, District - Samastipur.
16. Ram Pravesh Kumar, Son of Domi Singh resident of Village Ramnagar, P.O. Sirauli, P.S. Riga, District - Sitamarhi.
17. Shankar Kumar Yadav, Son of Ramudagar Yadav resident of Village Salempur, P.O. - Bhojparaul, P.S. Bisfi, District - Madhubani.
18. Santosh Kumar, Son of Chandeshwar Ray Resident of Village Muneharva, P.O. Pipradhi, P.S. Bajpatti, District - Sitamarhi.
19. Vinay Kumar, Son of Arun Ray resident of Village Bambaiya Harlal, P.O. Bambaiya Harlal, P.S. Dalsinghsarai, District - Samastipur.
20. Bhushan Kumar Sah, Son of Ram Ashish Sah resident of Village Madhaipur, P.O. Madhaipur, P.S. Dalsingh Sarai, District -Samastipur.
21. Bhageerath Kumar, Son of Rampratap Singh Resident of Village Bejor Sarakat, P.O. Jagmohra, P.S. Bithan, District - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Education Department, Govt. of Bihar, Patna.
4. Bipul Kumar, Son of Ram Naresh Sharma, resident of Village Balha, P.O. and P.S- Parsauni, District - Sitamarhi.
5. Rameshwar Nath Tiwari, Son of Purusotam Tiwari, resident of Village Mahuari, P.O. Mahuari, P.S. Kochas, District - Rohtas.
6. Suman Saurabh, Son of Sumangal Prasad Singh, resident of Village Baltara, P.O. Phulwaria, P.S. Gogri, District - Khagaria.
7. Md. Danish Ansari, Son of Md. Zubair Ansari, resident of Village Dilgouri, P.O. Sultanganj, P.S. Sultangaj, District - Bhagalpur.
8. Sant Kumar, Son of Makeswar Mahto, resident of Village Rampur Parori East, P.O. Banchauri, P.S. Sitamarhi, District - Sitamarhi



9. Jeewachh Kumar Sahu, Son of Sogarath Sahu, resident of Village Baghmari, P.O. Haranhiya, P.S.- Sahiyara, District - Sitamarhi.
10. Ashwini Kumar Ojha, Son of Late Ashok Kumar Ojha, resident of Village Gayghat, P.O. Gayghat, P.S. Brahmapur, District - Buxar.
11. Manoj Kumar Thakur, Son of Late Ram Pratap Thakur, resident of Village and P.O. Harri Dularpur, P.S. Sursand, District - Sitamarhi.
12. Sudhir Kumar, Son of Madan Chaudhary, resident of Village Nawalpur, P.S. Nawalpur, District - West Champaran.
13. Vijay Kumar, Son of Vishnudev Mahto, resident of Village Mustafapur, P.O. Mahamadpur Shakra, P.S. Bibhutipur, District - Samastipur.
14. Md. Mustaq Ansari, Son of Md. Nabi Rasool Ansari, resident of Village Bansdih, P.O. Madarpur, P.S. Bheldi, District - Saran.
15. Rakesh Kumar, Son of Shiv Sharan Roy, resident of Village Ghughala, P.O. Bhantabari, P.S. Choraut, District - Sitamarhi.
16. Madhavendra Kumar Thakur, Son of Late Ghura Thakur, resident of Village Chautarwa Bargoan, P.S. Bargoan, P.S- Bagaha, District - West Champaran.
17. Upendra Kumar Yadav, Son of Harish Chandra Yadav, resident of Village Parautola, P.O. Mathiya, P.S. Lauriya, District - West Champaran.
18. Jainendra Kumar, Son of Ramlal Prasad, resident of Village Donwar, P.O. Barwaojha, P.S. Shanichari, District - West Champaran.
19. Radheshyam Yadav, Son of Yogendra Yadav, resident of Village - Salaha, P.O.-Bariyarwa, P.S. Chautarwa, District - West Champaran.
20. Chandan Kumar Pandey, Son of Raja Pandey, resident of Village Lakar, P.O.- Dhobini, P.S. Lauriya, District - West Champaran.
21. Kumar Ravi, Son of Umakant Prasad, resident of Village Krishnapuri Pawatiya Tola, P.O. -Belbagh, P.S. Mufsil Bettiah, District - West Champaran.
22. Md. Saddam Hussain, Son of Md. Kalim Uddin, resident of Village Suleman Nagar, P.O. Nawada, P.S. Nawada, District- Nawada.
23. Abdul Haque, Son of Md. Yasin Ansari, resident of Village Bhadaunt, P.O. Nawada, P.S. Nawada, District - Nawada.
24. Hemant Kumar Ray, Son of Suresh Kumar, resident of Village Jhikataura, P.O. Siswan, P.S. Nawada, District - Nawada.
25. Santosh Kumar Sah, Son of Fuleshwar Prasad Sah resident of Village Bairiya Ward No. 12, P.O. Dabhari, P.S.- Supaul, District - Supaul.
26. Ram Sagar Yadav, Son of Ram Sewak Yadav, resident of Village Balhi, P.O. Arer, P.S. Arer, District - Madhubani.
27. Subhash Kumar Bharti, Son of Janardan Yadav, resident of Village Hira Patti, P.O. Koriyapatti, P.S. Triveniganj, District - Supaul.
28. Barun Kumar Vimal, Son of Fagu Yadav, resident of Village Patarghati, P.O. Triveniganj, P.S. Triveniganj, District - Supaul.
29. Sanjeev Kumar, Son of Shanichar Das, resident of Village Mahasinar, P.O. Singiawan, P.S. Kishanpur, District - Supaul.



30. Rajesh Kant Thakur, Son of Parsuram Thakur, resident of Village Katariyan, P.O.- Kakariyan, P.S. Rajpur, District - Buxar.
31. Rahul Kumar, Son of Kamaldev Sah, resident of Village Bhutahi, P.O. - Bhutahi, P.S. Sonbarsa, District - Sitamarhi.
32. Jawed Akhtar, Son of Ajibul Hassan, resident of Village and P.O. Chapiya Buzurg, P.S. Hussainganj, District- Siwan.

... .. Respondent/s

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with  
**Letters Patent Appeal No. 806 of 2023**  
**In**  
**Civil Writ Jurisdiction Case No.7006 of 2022**

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1. Mahesh Kumar Yadav Son of Rameshwar Yadav, resident of Village and P.O.-Kumbhi, P.S.-Cheriya Bariyarpur, District-Begusarai.
2. Mithun Kumar Jha, son of Ravindra Prasad Sah, resident of Village-Banmankhi Chakla, P.O. and P.S.-Banmankhi, District-Purnea.
3. Abhay Kumar Singh, son of Anup Kumar Singh, resident of Village, P.O. and P.S.-Murarpur, District-Saran.
4. Ravindra Kumar, son of Basant Prasad Gupta, resident of Village-Mahawar, P.O. and P.S.-Daudnagar, District-Aurangabad.
5. Dilip Kumar son of Hanik Yadav, resident of Village and P.O.-Tangra, P.S.-Barun, District-Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Education Department, Govt. of Bihar, Patna.

... .. Respondent/s

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**Appearance :**

(In Letters Patent Appeal No. 808 of 2023)

|                     |   |                                                                                                             |
|---------------------|---|-------------------------------------------------------------------------------------------------------------|
| For the Appellant/s | : | Mr. Rajendra Narain, Sr. Advocate<br>Mr. Maya Shankar Mishra, Advocate<br>Mr.Ashwani Kumar Tiwary, Advocate |
| For the State       | : | Mr.Sarvesh Kumar Singh, AAG 13<br>Mr. Rajat Kumar Tiwari, AC to AAG-13                                      |

(In Letters Patent Appeal No. 684 of 2023)

|                     |   |                                                                        |
|---------------------|---|------------------------------------------------------------------------|
| For the Appellant/s | : | Mr. Rajendra Narain, Sr. Advocate<br>Mr. Maya Shankar Mishra, Advocate |
| For the State       | : | Mr.Sarvesh Kumar Singh, AAG 13<br>Mr. Rajat Kumar Tiwari, AC to AAG-13 |
| For the Intervener  | : | Mr.Nagendra Upadhyay, Advocate                                         |

(In Letters Patent Appeal No. 806 of 2023)

|                     |   |                                                                        |
|---------------------|---|------------------------------------------------------------------------|
| For the Appellant/s | : | Mr. Rajendra Narain, Sr. Advocate<br>Mr. Maya Shankar Mishra, Advocate |
| For the State       | : | Mr.Sarvesh Kumar Singh, AAG 13                                         |



Mr. Rajat Kumar Tiwari, AC to AAG-13

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 20-03-2024**

The appellants were aggrieved with the fact that entire vacancies of primary teachers of the year 2014 till the advertisement dated 05.07.2019, was not included when the advertisement was made. The appellants in the writ petitions prayed for conduct of selection process applying the reservation roster properly in terms of notification dated 29.08.2019.

2. As of now, two new rules have come into force i.e. Bihar School Exclusive Teachers Rules, 2023 (for brevity 'Exclusive Teachers Rules, 2023') and Bihar State School Teacher (Appointment, Transfer, Disciplinary Proceedings & Service Conditions) Rules, 2023 (for brevity, 'School Teachers Rules, 2023'). The Exclusive Teachers Rules, 2023 is under challenge before this Court. However, even if the challenge is upheld, it has effect only on the existing *Niyojit* teachers. The appointments in any event will have to be made as per the School Teachers Rules, 2023. The selection has commenced and the appointments have been proceeded with considerably.

3. In such circumstances, we do not find any reason to consider the prayer made in this writ petition with respect to an



advertisement of the year 2019. All the vacancies existing would be filled up by the new rules.

4. The learned Senior Counsel, however, points out that the learned Single Judge had erroneously directed the appellants to approach the District Appellate Authority of the concerned District, who has absolutely no jurisdiction in the matter of reporting of vacancies. The District Appellate Authority is constituted only to consider the disputes and grievance of existing teachers.

5. We would not say anything on it finally since that question does not arise, since, the writ petition itself is found to be, as of now, infructuous. We hence close the appeals, leaving open all contentions with respect to the jurisdiction of the District Appellate Authority.

6. Interlocutory application(s), if any, shall stand disposed of.

**(K. Vinod Chandran, CJ)**

**( Harish Kumar, J)**

Sujit/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          |            |
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