

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1393 of 2017

1. Arvind Kumar Son of Upendra Singh Resident of Village- Nimi, P.S. Shekhopur Sarai, District- Sheikhpura.
2. Binod Kumar Son of Medani Prasad Yadav Resident of Village- Madari, P.S. Sheikhpura, District- Sheikhpura.
3. Ganga Paswan Son of Ramadhin Paswan Resident of Village- Miyan Bigha, P.S. Sheikhpura, District- Sheikhpura.
4. Kumari Suman Wife of Anil Kumar Resident of Village- Bhadanus, P.S.- Sirari, District- Sheikhpura.
5. Anil Kumar Son of Bisheshwar Prasad Sharma Resident of Village- Bhadanus, P.S.- Sirari, District- Sheikhpura.
6. Prabhash Kumar Raut Son of Mahendra Raut Resident of Village- Chhthiyara, P.S.- Chewara, District- Sheikhpura.
7. Kaushal Kumar Son of Ram Khelawan Mahto Resident of Village- Luthaut, P.S.- Karandey, District- Sheikhpura.
8. Amit Kumar Son of Brijnandan Prasad Resident of Village- Belav, P.S.- Shekhopur Sarai, District- Sheikhpura.
9. Sanjeev Kumar Son of Rajendra Yadav Resident of Village- Gangti, P.S.- Sheikhpura, District- Sheikhpura.
10. Naresh Kumar Son of Shivrindan Yadav Resident of Village- Nemdarganj, P.S.- Sheikhpura, District- Sheikhpura.
11. Yogendra Pandit Son of Krishna Pandit Resident of Village- Jiyanbigha, P.S.- Sheikhpura, District- Sheikhpura.
12. Shatish Kumar Son of Pyarelal Tanti resident of Village- Ghusakuri, P.S.- Ariyari, District- Sheikhpura.
13. Sulekha Kumari Wife of Shyam Naresh Mandal resident of Village- Mahabat, P.S.- Ariyari, District- Sheikhpura.
14. Jaykishore Prasad Son of Bindeshwari Singh resident of Village- Samas, P.S.- Barbigha, District- Sheikhpura.
15. Bajrangi Kumari Yadav Son of Pyare Yadav Resident of Village- Pathraitia, Post office- Pathraitia, District- Sheikhpura,.
16. Jitendra Kumar Son of late Bhadeshwar Mahto Resident of Village- Ambari, P.S.- Shekhopur Sarai, District- Sheikhpura.
17. Ramavtar Prasad Son of late Jaldhari Prasad Resident of Village- Barui, Post office- Pathraitia, District- Sheikhpura.
18. Tuntun Kumar Son of Jiyantar Singh resident of Village- Pinjari, P.S.- Barbigha, District- Sheikhpura.
19. Santosh Kumar Son of Satendra Singh resident of Village- Narsinghpur, P.S.- Barbigha, District- Sheikhpura.
20. Bipin Bihari Son of Pragash Prasad Resident of Village- Rahmanpur, P.S. Asthawan, District- Nalanda.



21. Sunil Ravidas Son of Dukhan Ravidas Resident of Village- Lakhnubigha, P.S.- Asthawan, District- Nalanda.
22. Rajeev Kumar Son of Kapildev Prasad Resident of Village- Gorawan, P.S.- Silaw, District- Nalanda.
23. Savitri Kumari wife of Mukesh Kumar Resident of Village- Rahmanpur, P.S. Asthawan, District- Nalanda.
24. Sushila Kumari Wife of Shyam Kishore Prasad Resident of Village- Malawan, P.S. -Asthawan, District- Nalanda.
25. Sunaina Kumari Wife of Bachchu Prasad resident of Village- Jahur Bigha, P.S.- Asthawan, District - Nalanda.
26. Kumari Anita Mahto Wife of Harikant Mahto Resident of Village- Uganwan, P.S.- Uganwan, District - Nalanda.
27. Ranimani Kumari Wife of Navin Kumar Resident of Village- Asthawan, P.S.- Asthawan, District- Nalanda.
28. Prem lata Kumari Wife of Surendra Prasad Resident of Village- Uganwan, P.S.- Uganwan, District - Nalanda.
29. Kumari Gita Sinha Wife of Sanjay Prasad Resident of Village- Oiyab, P.S.- Asthawan, District- Nalanda.
30. Sangeeta Kumari Wife of Sanjay Prasad Resident of Village- Jana, P.S.- Asthawan, District- Nalanda.
31. Harendra Paswan Son of Kesho Paswan Resident of Village- Tar Bigha, P.S.- Asthawan, District- Nalanda.
32. Kiran Kumari Wife of Kanhai Prasad Resident of Village- Lakhnubigha, P.S.- Asthawan, District- Nalanda.
33. Manoj Kumar Son of Arjun Saw Resident of Village- Oiyab, P.S.- Asthawan, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Bihar Shiksha Priyojna Parishad Through its Director, Beltron Bhawan, Shastri Nagar, P.S.- Shas
4. The Director Primary Education, Government of Bihar, Patna.
5. The District Magistrate Sheikhpura, District- Sheikhpura.
6. The District Magistrate Nalanda, District- Nalanda.
7. The District Education officer, District- Sheikhpura.
8. The District Education Officer, District- Nalanda.
9. The District Programme OfficerEstablishment Sheikhpura, District- Sheikhpura.
10. The District Programme OfficerEstablishment Nalanda, District- Nalanda.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh
For the Respondent/s : Mr. Jitendra Kr. Roy No. 1- SC-13
For the BEPC : Mr. Girijish Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 9 17-05-2024 1. Heard learned counsel for the parties concerned.
2. The petitioners, who were Lok Shikshaks, have filed the present writ application, praying therein to absorb their services on the post of Panchayat Teacher.
3. The brief facts of the case is that the petitioners were appointed as Lok Shikshaks for 12 months on contractual basis in the year 2002 at par with Shiksha Mitra.
4. Learned Counsel for the petitioners submits that Shiksha Mitra has been absorbed as Panchayat Teacher after coming into force the 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.
5. 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.

6. 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.
7. 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.
8. 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.
9. 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.

10. 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 petitioner.

11. This writ application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

ashwani/-

U			
---	--	--	--

