

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18275 of 2024

1. Sudhir Kumar son of Ram Krishna Prasad, Resident of Qr. No.128, Block No.- 4, Sector- 6, Bahadurpur Housing Colony, Bhoot Nath Road, P.S.- Agamkuan, District- Patna- 26, Presently posted as Assistant Teacher (Biology) in Nationalized Lokeshwari Mahila High School, Kadamkuan, Patna.
2. Mamta Kumari, D/o Pro. (Dr.) Binay Kumar Azad, Resident of Sai Aashra NY- 8A, Road No.-1, Gardanibagh, P.S.- Gardanibagh, District- Patna, presently posted as Assistant Teacher (Biology) in Kedar Nath Balika High School, Jakkanpur, Patna.
3. Kalpana Kumari, wife of Pravin Chandra, Resident of Simri Kothi, Bhawar Pokhar Bagicha, behind Hathwa Market, Arya Kumar Road, P.S.- Kadam Kuan, District- Patna, presently posted as Assistant Teacher (Bio.) in Raghunath Prasad Balika High School, Kankarbagh, Patna.
4. Garima Mishra, wife of Rajesh Tripathi, Resident of Flat No.101, Ram Janki Apartment, Road No.5, Rajendra Nagar, P.S.- Kadam Kuan, District-Patna- 800016, presently posted as Assistant Teacher (Biology) in Nationalized Lokeshwari High School Kadam Kuan, Patna-16.
5. Munni Kumari, wife of Ranjeet Jee, Resident of Vaishali Niwas, B.N.R. Purani Pani Tanki, Choudhary Tola, P.S.- Sultanganj, District- Patna, presently posted as Assistant Teacher (Bio.) in P.N. Anglo Sanskrit School, Naya Tola, Patna.
6. Abha Kumari, wife of A.K. Singh, Resident of Flat No.- 401, block- B, Majestic Janki City, East Gola Road, Near Mandir, P.S.- Danapur, District- Patna- 801503, presently posted as Assistant Teacher (Bio.) in Plus- 2 Janak Dhari High School, Danapur Kant, Patna.
7. Ruhi Bano, wife of Md. Abad Joun Jaidi, Resident of Kankarbagh, P.S.- Kankarbagh, District-Patna, Presently Retired from service on 31.01.2023 as Assistant Teacher (Bio.) in Manorama Vidhyapith Balika High School, B.M. Das Road, Patna.
8. Manju Bala, wife of Devendra Prasad Dinkar, Resident of Flat No.- 404, A1, Nutan Tower Krish Hundai, Kankarbagh Colony More, P.S.- Kankarbagh, District- Patna, Presently Retired from service on 31.01.2023 as a Assistant Teacher (Biology) in P.N. Anglo Sanskrit High School, Naya Tola, Patna.
9. Saroj Kumar, son of Bhuneshwar Prasad Singh, Resident of West Bazar Samitee, Near Mahavir Mandir, Fish Market, Mahendru, P.S.- Sultanganj, District- Patna, Presently Retired from service on 30.04.2023 as Assistant Teacher (Math) in Raghunath Balika High School, Kankarbagh, Patna.
10. Sunil Kumar, son of Kirti Narayan Yadav, Resident of Village- Arraha, P.S.- Sourbazar, District-Saharsa, Presently posted as Assistant Teacher (Math) in Sri Navkum, High School, Lagma, Sonbarsa.
11. Dharmendra Deo, son of Musafir Prasad Yadav, Resident of Village- Parmeshwar Bigha, P.S.- Rajauli, District- Nawadah, Presently posted as Assistant Teacher (Math) in Inter School, Par Nawada (Nawada).
12. Sohan Kumar Singh, son of Sadanand Singh, Resident of Village- Biratpur,



- P.S.- Sonbarsa, District-Saharsa, Presently posted as Assistant Teacher (Math) in Sri Chandi High School, Chandi Sthan Biratpur, Saharsa.
13. Umesh Choudhary, son of Hulash Choudhary, Resident of Village- Kumbhi (Beldariya), P.S.- Warisaliganj, District- Nawada, Presently posted as Assistant Teacher (Biology) in Sri Satyendra Narayan Singh Inter School, Par Nawada (Nawada).
14. Upendra Kumar, son of Hari Narayan Roy, Resident of 4H/58, Bahadurpur Housing Colony, Bhoot Nath Road, P.S. Agamkuan, District- Patna- 26, Presently posted as Assistant Teacher (Biology) in Nationalized Mahila Vidhya Kala Bhawan Higher Secondary School, Kadamkuan, Lalji Tola, Patna.
15. Pratima Kumari, wife of Sunil Kumar, Resident of House No.87/B, Near Shiv Mandir, CDA Colony, P.S.- Shastri Nagar, District- Patna, Presently posted as Assistant Teacher (Biology) in Baldev Plus- 2 High School, Danapur, Patna.
16. Sangita Kumari, wife of Sushant Kumar, Resident of Flat No.-13B, Kailash Apartment, Behind Rajeshwar Hospital Tilak Nagar, P.S.- Kankarbagh, District- Patna, Presently posted as Assistant Teacher (Biology) in Nationalized Lokeshwari Mahila High School, Kadamkuan, Patna.
17. Manju Kumari, wife of Sanjiv Santak, Resident of Dreamcity Apartment Block-E, Flat-G01/02, opposite Gate No.- 41, Mainpura, Rajapul, P.S.- Patliputra, Patna, Presently posted as Assistant Teacher (Biology) in Dwarika Higher Secondary School, Mandiri, Patna.
18. Vimala Kumari, wife of Jitendra Kumar Rai, Resident of Nikunj Palance Ghurdour Road no.- 5, P.S.- Digha, District- Patna, Presently posted as Assistant Teacher (Biology) in Indra Prasad Singh Gangsthal Gyanpith, Makhdumpur, Patna.
19. Reena Sinha, wife of Santosh Kumar Sinha, Resident of A- 338, A.G. Colony Aashiyana Nagar, P.S.- Shastri Nagar, District- Patna, Presently posted as Assistant Teacher (Biology) in Sri Chandra High School, Kurji, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Secretary, Department of Education, Bihar, Patna.
4. The Director, Secondary Education, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar
For the Respondent/s : Mr.Government Pleader (17)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-12-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for commanding the respondents to treat and count their services as Biology teacher and Maths. teacher from 07.10.1998 and 21.05.1999 respectively, the date on which they would have been normally appointed on the basis of recommendation of Vidyalya Sewa Board for the purpose of seniority inter-se, fixation of pay scale etc. pursuant to the Advertisement No.-1/88 like similar appointed teachers of other eight subjects as Assistant Teacher of Nationalized and Project Schools. In alternative the petitioners may get at least all national benefit from 31.5.2013, the date of notification of Bihar Nationalized Secondary School Teacher's Special appointment Rule, 2013.

3. Learned counsel for the petitioners submits that several candidates including the petitioners are senior in the merit list to the candidates appointed in the year, 2013 but due to delay in appointment of the petitioners who is appointed in the year 2016, they became junior in service.

4. He further submits that similarly circumstanced teachers appointed for the subject of Civics were granted the benefit of seniority in terms of the merit position in the panel



prepared for appointment pursuant to advertisement No. 02 of 1991. In the case of the petitioners, there is no decision one way or the other.

5. Considering the facts and circumstances of the case, this Court deems it fit and proper to direct the petitioners to agitate the matter before the respondent No. 4 the Director, Secondary Education, Government of Bihar, Patna who shall under obligation to decide the representation filed by the petitioners along with a copy of this order by a reasoned and speaking order within a maximum period of three months from the date of receipt/production of a copy of this order.

6. While taking decision past precedent contained in Annexure 11 may be considered by the respondent No. 4.

7. Necessary decision in this regard must be taken within a stipulated period as indicated above.

8. With the above direction writ petition stands disposed of

(Prabhat Kumar Singh, J)

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