

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.13 of 2020

In
Civil Writ Jurisdiction Case No.21690 of 2019

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Amit Kumar Son of Late Radha Sharan Singh, Resident of Village - Haripur,
P.S.- Gogri, District- Khagaria at present Assistant Teacher Sukhraj Middle
School, Chautham, Block and P.S.- Chautham, District - Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar. Bihar.
2. The Additional Chief Secretary-cum-Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Education Officer, Khagaria.
5. The District Programme Officer (Establishment), Khagaria.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bishnu Kant Dubey
For the Respondent/s : Mr.Ashutosh Ranjan Pandey (Aag15)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

13 19-02-2025 On 12.02.2025, matter was heard at length and the

following order was passed:-

*“District Education Officer,
Khagaria, is hereby directed to withdraw
the communication dated 21.07.2023
produced as Annexure-P/1 to I.A. No.3 of
2025. If he is stick to his decision that
appellant is not entitled to retrospective
appointment to the post of Primary Teacher
in a particular pay- scale with effect from
26.03.2007 and he is entitled to only with
effect from 12.01.2018 in that event he shall
file Additional Counter Affidavit of I.A. No.3
of 2025. He shall be present in the Court in*



view of the fact that appellant had a grievance that he is entitled to have a benefit of Primary Teacher post in terms of the policy existing on the date of appellant's father death on 16.07.2005. On the other hand, he was appointed as a Block Teacher in a fixed remuneration. In this backdrop, appellant had approached this Court in filing C.W.J.C. No.14588 of 2007 and L.P.A. No.80 of 2012 in which he had suffered orders. Thereafter, he had preferred S.L.P. before the Hon'ble Supreme Court and it was converted into Civil Appeal No.4780 of 2017 and it was allowed in favour of the appellant on 03.04.2017. In this backdrop, the concerned official respondents have proceeded to implement the orders of the Hon'ble Supreme Court on 16.02.2018, while treating the appellant's appointment as a Primary Teacher with effect from 26.03.2007. Thereafter, show cause notice was issued on 05.10.2019, as to why the appellant shall not be reverted from the post of Primary Teacher to that of Block Teacher, after lapse of one year and eight months. Show cause noticed dated 05.10.2019 was the subject matter of C.W.J.C. No.21690 of 2019. It was dismissed, resultantly, present L.P.A. was presented. During the pendency of the present L.P.A., reversion order has been passed on 25.06.2020. Further, on 21.07.2023, reversion order was withdrawn and Primary Teacher post was assigned with effect from 12.01.2018. Insofar as action of the respondents in issuing show cause notice on 05.10.2019 followed by reversion order, withdrawal of reversion order and providing Primary Teacher post with effect from 12.01.2018, prima facie, amounts to Contempt of Courts of the Hon'ble Supreme Court.

2. Be that as it may, if the District Education Officer, Khagaria, fails to withdraw the order dated 21.07.2023 while



restoring the order dated 16.02.2018, he would be heard in the matter and adverse order would be passed.

3. Re-list this matter on 19.02.2025.

4. At this stage, learned counsel for the appellant submitted that in identical circumstances, in the case of Ram Pravesh Rai, he has been extended retrospective appointment vide Annexure-P/3 to I.A. No.3 of 2025. This material information reveals that there is something fishy in the Department insofar as extending certain benefits to one set of employees and denying to similarly situated persons.”

2. Pursuant to the aforementioned order, respondents have filed counter affidavit along with Annexure-A dated 16.02.2025 insofar as redressing the grievance of the appellant. Therefore, the present LPA No. 13 of 2020 stands disposed of as it has become infructuous.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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