

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3010 of 2025

1. Mukesh Kishore S/o Surendra Kumar Singh, resident of Village- Wasilpur Tola- Balabigha, Ward No.- 4, P.O. and P.S.- Arwal, District- Arwal, at presently posted and working as Exclusive Teacher in N.P.S., Jankpurghat, Block- Arwal, District- Arwal.
2. Sunita Kumari, W/o Chandra Prakash, D/o Late Chandradev Chaudhary, resident of Village- Chak Dhorha, P.S.-Tehta, District- Jehanabad presently posted and working as Exclusive Teacher in Middle School, Baidrabad, Block- Arwal, District- Arwal.
3. Anita Kumari, W/o Yogendra Kumar Bharti, resident of Village- Muradpur Hujra, P.O.- Baidrabad, P.S.- Arwal, District- Arwal, presently posted and working as Exclusive Teacher in Middle School, Baidrabad, Block- Arwal, District- Arwal.
4. Kumar Umesh Chandra, S/o Sri Krishna Singh, resident of Village- Kalibigha, P.O.- Sakari khurd, P.S.- Parasi, District- Arwal, presently posted and working as Nagar Teacher in Middle School, Baidrabad, Block-Arwal, District- Arwal.
5. Shankar Chaudhary, S/o Late Ramchandra Chaudhary, resident of Village- Muradpur Hujra, P.O.- Baidrabad, P.S.- Arwal, District- Arwal presently posted and working as Exclusive Teacher in Middle School, Baidrabad, Block- Arwal, District- Arwal.
6. Madhuri Kumari, W/o Sunil Kumar Singh, D/o Mahesh Singh, resident of Village- Baidrabad, P.O.- Baidrabad, P.S.- Arwal, District- Arwal presently posted and working as Exclusive Teacher in Middle School, Baidrabad, Block-Arwal, District- Arwal.
7. Sandeep Kumar, S/o Kameshwar Singh, resident of Village- Muradpur Hujra, P.O.- Baidrabad, P.S.- Arwal, District- Arwal presently posted and working as Nagar Teacher in Middle School, Baidrabad, Block- Arwal, District- Arwal.
8. Sunita Kumari, W/o Bidyut Prakash, D/o Naresh Prasad Singh, Village- Muradpur Hujra, P.O.- Baidrabad, P.S.- Arwal, District- Arwal presently posted and working as Exclusive Teacher in Middle School, Baidrabad, Block- Arwal, District- Arwal.
9. Usha Kumari, W/o Ajay Kumar, resident of Village- Gamharpur, P.S.- Obra, District-Aurangabad presently posted and working as Exclusive Teacher in Middle School, Baidrabad, Block- Arwal, District- Arwal.
10. Anirudha Kumar, S/o Tulsi Paswan, resident of Village- Muradpur Hujra, P.O.- Baidrabad, P.S.- Arwal, District- Arwal presently posted and working as Exclusive Teacher in Middle School, Baidrabad, Block- Arwal, District- Arwal.
11. Asha Kumari, W/o Ajit Kumar, resident of Village- Muradpur Hujra, P.O.- Baidrabad, P.S.- Arwal, District- Arwal presently posted and working as Nagar Teacher in Middle School, Baidrabad, Block- Arwal, District- Arwal .
12. Lalita Kumari, W/o Dharmendra Kumar Sinha, resident of Village- Injor, P.O.- Injore, P.S.-Mehandiya, District- Arwal, presently posted and working



as Exclusive Teacher in Middle School, Baidrabad, Block- Arwal, District- Arwal.

13. Kiran Kumari, W/o Pappu Kumar, resident of Village- Baidrabad, P.O.- Baidrabad, P.S.- Arwal, District- Arwal, presently posted and working as Exclusive Teacher in Middle School, Baidrabad, Block-Arwal, District-Arwal.
14. Amit Anand, S/o Late Rajeshwar Mehta, resident of Village- Baidrabad, P.O.- Baidrabad, P.S.- Arwal, District- Arwal, presently posted and working as Nagar Teacher in Middle School, Baidrabad, Block-Arwal, District-Arwal.
15. Ritu Rani, D/o Sukhdev Prasad Kesri, W/o Pankaj Kumar, resident of Village- Baidrabad, P.O.- Baidrabad, P.S.-Arwal, District- Arwal presently posted and working as Exclusive Teacher in Middle School, Baidrabad, Block-Arwal, District- Arwal.
16. Kavita, D/o Sukhdev Prasad Kesri, resident of Village- Baidrabad, P.O.- Baidrabad, P.S.-Arwal, District- Arwal presently posted and working as Exclusive Teacher in Middle School, Baidrabad, Block-Arwal, District-Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Education Department, Bihar, Patna.
3. The Regional Deputy Director of Education, Gaya Division, Gaya.
4. The District Magistrate, Arwal.
5. The District Education Officer, Arwal.
6. The District Programme Officer (Establishment), Arwal.
7. The Executive Officer cum Member Secretary, Nagar Niyogan Unit, Nagar Parishad, Arwal.
8. The Block Education Officer, Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Parmeshwar Vishwakarma, Advocate Mr. Brajesh Tiwary, Advocate
For the Nagar Parishad Arwal	:	Mr. Ranjeet Choubey, Advocate
For the State	:	Mr. Ajay Behari Sinha, GA 8

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-02-2025 Heard Mr. Parmeshwar Vishwakarma along with Mr.
Brajesh Tiwary, learned counsels appearing on behalf of the



petitioners; Mr. Ranjeet Choubey, learned counsel for the Nagar Parishad, Arwal and Mr. Ajay Behari Sinha, learned GA 8 for the State.

2. Petitioners have *inter alia* prayed for following reliefs in the paragraphs No.1 of the writ petition:-

(a) Issuance of writ in the nature of mandamus commanding and directing the respondents especially respondent no.7, i.e. the Executive Officer cum Member Secretary, Nagar Niyogan Unit, Nagar Parishad, Arwal to approve the list of concerned Nagar Teacher related to Time Bound Promotion which has been prepared as per Clause 16(ii) of the Bihar Municipal/Pancyatat Elementary School Service (Appointment, Promotion, Disciplinary Action and Service Conditions) Rules, 2020 by the Block Education Officer, Arwal on 31.07.2024.

(b) To grant any other relief/reliefs for which the petitioner is entitled to in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner informs that case of the Nagar teachers, who find name in the list prepared in this regard by the Selection Unit, for time bound promotion has been placed in a meeting for its consideration forthwith *vide* letter No.2036 dated 23.12.2024 (Annexure P/4) by the Executive Officer-cum- Member Secretary, Nagar Niyogan Unit, Nagar Parishad, Arwal.

4. From perusal of the pleadings made in paragraphs



no.4 to 18, it appears that some of the teachers were appointed between the year 2003 to 2005 and thereafter some of the teachers were appointed after coming into force of Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rules, 2006 (hereinafter referred to as the “Rules, 2006”) and petitioners have claimed in the pleadings that they are teachers of Middle School.

5. In such circumstances, this Court is not in a position to consider, as to whether, the petitioners are governed by Rules, 2006 or they are of district cadre. In that view of the matter, the writ petition appears to be misconceived. However, considering the information given by the Block Education Officer in respect of the petitioners, who find their name in respective position, and placing the cases of the petitioners along with other teachers before the Executive Officer-cum-Member Secretary, Nagar Niyogan Unit, Nagar Parishad, Arwal to consider their case as per the applicable Rules in respect of those petitioners, whose appointments were not made in accordance with Rules, 2006 and in respect of those, who were appointed before 2006 and absorbed as per Rules, 2006, their case is required to be considered in light of Rule 16(ii) of Bihar Municipal/Panchayat Elementary School Service (Appointment, Promotion, Disciplinary Action and Service Conditions) Rules,



2020.

6. The writ petition is disposed of.

(Purnendu Singh, J)

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