

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

**Miscellaneous Jurisdiction Case No.453 of 2019**

**In**

**Civil Writ Jurisdiction Case No.19028 of 2014**

Sanjay Kumar Shiv Shankar singh Resident of Village Kutubpur, P.O. Kanahuli, Under Gram Panchayat Kanhauli Bishanparsa, Police Station Mahua, District Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through R.K. Mahajan, the Principal Secretary cum Additional Chief Secretary, Department of Education, government of Bihar, Patna
2. Sri Rajiv Ranjan Prasad, the Director Secondary Education, Government of Bihar, Patna Bihar
3. Sri Binoda Nand Jha, the director Research and Training, Department of Education, Government of Bihar Patna
4. Sri Rajiv Raushan, the District Magistrate Vaishali at Hajipur Bihar
5. Sri Sarv Narayan Yadav, the deputy development Commissioner, Vaishali at Hajipur cum- Executive Officer, Vaishali Jila Parishad Hajipur

... .. Opposite Party/s

**Appearance :**

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| For the Petitioner/s     | : | Mr. Jitendra Kumar Roy, Advocate<br>Mr. Vasant Vikas, Advocate |
| For the Opposite Party/s | : | Smt. Shilpa Singh, GA-12<br>Smt. Neetu Jha, AC to GA-12        |
| For the Zila Parishad    | : | Mr. Srinandan Pd. Singh, Sr. Advocate                          |

**CORAM: HONOURABLE MR. JUSTICE NANI TAGIA**

**ORAL ORDER**

8      03-09-2025

Heard learned counsel for the parties.

2. This contempt petition has been filed alleging violation of the order dated 13.09.2018 passed in C.W.J.C. No. 19028 of 2014, wherein, this Court has passed the following order :-

*“... The writ petition, in the peculiar facts and circumstances, is disposed of with the observation that*



*in case the respondents have not taken any decision on account of the controversy as to the validity of the recognition of the institution, the respondents are required to take action in accordance with law after issuance of the notification dated 16.07.2018 expeditiously. I direct accordingly.”*

3. Show cause has been filed by the opposite party No. 5 / the Deputy Development Commissioner, Vaishali at Hajipur, wherein, in paragraph nos. 7 & 8, it has been stated as under:

*“7. That, it is submitted, it had been in obedience to the aforesaid order passed by this Hon’ble Court, that the answering respondent, on dated 21.04.2025, had issued a letter no. 1042, providing petitioner an opportunity to represent, on dated 25.04.2025, and to supply the necessary documents in favour of his claim.*

*And it was in the said process, it appears that after thorough deliberation over the issue, the following factual position had surfaced.*



*The Bihar State School Teacher (Appointment, Transfer, Disciplinary Proceeding and Senice Condition) Rule 2023 had been notified on 10.04.2023.*

*And Clause 19(i) of the said Rule 2023 categorically provided that persons appointed under Bihar Zila Parishad Secondary and Senior Secondary (Appointment and Service conditions) Rule, 2006 (as amended from time to time), Bihar Zila Parishad Secondary and Senior Secondary School Service (Appointment, Promotion, Transfer, Disciplinary Proceeding and Service conditions) Rule 2020, Bihar Jvagar Nikay Secondary and Senior Secondary Teacher (Appointment and Service Conditions) Rule 2006 (as amended from time to time), Bihar Nagar Nikay Secondary and Senior Secondary School Service (Appointment, Promotion, Transfer, Disciplinary Proceeding and Service conditions) Rule 2020, Bihar Panchayat Elementary School (Appointment and Services Conditions) Rules 2012 (as amended from time to time), Bihar Panchayat Primary School Service*



*(Appointment, Promotion, Transfer, Disciplinary Proceedings and Service Conditions) Rule 2020 (as amended from time to time) and Bihar Nagar Elementary School Service (as amended from time to time) and Bihar Nagar Elementary School Service (Appointment, Promotion, Transfer, Disciplinary Proceedings and Service Conditions) Rules 2020 shall not be eligible to make any claim under any provision of these Rule except for the specific provision made for their appointment in the cadres governed by the State government under these Rules.*

*(ii) No new appointment can be made, after the enactment of these Rules, under the Rules specified in Sub-para (i) above.*

*8. That, it is humbly submitted that, after conducting a proper hearing on dated 25.04.2025. The office of the answering deponent has passed a reasoned and speaking order vide memo no. 157 (Ma. Shi.)/ Hajipur, Dated 08.05.2025 under which the claim of the petitioner has been expressly denied and being rejected.”*



4. On perusal of order dated 13.09.2018 passed in C.W.J.C. No. 19028 of 2014, it appears that this Court had observed that in case the respondents have not taken any decision of the controversy as to the validity of the recognition of the institution, such a decision be taken in accordance with law after issuance of the notification dated 16.07.2018 expeditiously.

5. Show cause filed by the opposite party No. 5 / the Deputy Development Commissioner, Vaishali at Hajipur, in paragraph nos. 7 & 8, which have been extracted hereinabove, indicates that in compliance of the observation made in the writ petition, the respondents have taken a decision on 08.05.2025 after conducting a proper hearing in the matter and thereafter the claim of the petitioner has been rejected. The order dated 08.08.2025 passed by the respondent No. 5 in compliance of the order passed in the writ petition has also been enclosed as Annexure -R/1 to the show cause filed by the opposite party No. 5 / the Deputy Development Commissioner, Vaishali at Hajipur.

6. Since the order passed in the writ petition was an observation made to the effect that the respondents shall take a decision in the matter, I find that the respondents, vide order



dated 08.05.2025 enclosed as Annexure-R/1 to the show cause filed by the opposite party No. 5 / the Deputy Development Commissioner, Vaishali at Hajipur, have taken a decision and accordingly, the order passed in the writ petition has been duly complied with by the opposite parties.

7. The contempt petition, therefore, stands closed and disposed off.

**(Nani Tagia, J)**

Nilmani/-

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