

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4677 of 2025

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1. Ajay Paswan S/o Ramjatan Paswan, Resident of Village- Badhauna, P.O. and P.S.- Gurua, District- Gaya and presently working as an Assistant Teacher Primary school, Baheradih Block, Dobhi, District- Gaya.
 2. Mina Kumari W/o Kauleshwar Yadav, Resident of Village and P.O.- Shrirampur, P.S.- Sherghati, District- Gaya and presently working as an Assistant Teacher in Primary School Gamhariya, Block- Dobhi, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Education Officer, Gaya.
5. The District Programme Officer (Establishment), Gaya.
6. The Block Education Officer, Dobhi, Gaya.
7. The Panchayat Secretary cum Secretary Panchayat Shikshak Niyojan Samiti, Dobhi, Gaya.
8. The Panchayat Secretary cum Secretary Panchayat Shikshak Niyojan Samiti, Dobhi, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Singh, Advocate
For the Respondent/s	:	Mr. Rajeshwar Singh, GA-10
		Mr. P. K. Singh, AC to GA-10

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 24-03-2025

Heard Mr. Rama Kant Singh, learned counsel appearing on behalf of the petitioners and Mr. Rajeshwar Singh, learned GA-10, along with Mr. P. K. Singh, learned AC to GA-10 for the State.

2. The petitioners in paragraph no. 1 of the present writ petition has sought, inter alia, the following relief(s), which



is reproduced hereinafter:-

“1. That this is an application for issuance of an appropriate writ (s), order (s), direction (s) for directing to the respondent authorities to pay dues arrear of salary to the petitioners since June 2018 to till date with 18% compound interest and also further disclosing to the respondents authorities to pay current salary monthly basis regularly.

And for any other appropriate relief (s) to the petitioner for which they may be found entitled to in the eye of law.”

3. This is one example, which shows the manner in which the petitioners have been allowed to work at a consolidated pay of Rs.10,000/- by the Secretary, Panchayat Samiti, Nadarpur, Dobi, which has been brought on record by way of Annexure-P/1 (series) bearing Memo no.1, dated 10.06.2015. The petitioners claim that they continued after they received appointment letter as contained in Memo no.1 dated 18.06.2015. The petitioners were appointed as per the notification contained in **Memo no.479 dated 19.07.2012** issued by the Education Department. The said notification has not been brought on record by the petitioners. Petitioners are aggrieved by the action of Secretary, Panchayat Samiti of the said appointing unit, who vide letter no.1 dated 08.06.2020 terminated petitioners' services by canceling their appointment. From the said letter it reflects that due opportunity of hearing was given to the petitioners. The petitioners, thereafter, were



reinstated and thereafter the District Programme Officer (Establishment), vide order contained in Memo no.108 dated 09.01.2021, directed the appointing unit to verify the certificates and educational qualification of the teachers, including the petitioners, who were appointed by the said appointing unit and also to verify, as to whether, they have been found successful in CTET examination. The petitioners were reinstated, as would appear from the annexure 4 (series) to the writ petition, by which the Secretary of Panchayat Samiti of the said appointing unit had written a letter to the District Education Officer, Gaya in reply to the query made by the District Programme Officer (Establishment), Gaya. The petitioners are now aggrieved for non-payment of their due consolidated pay.

4. Per contra, learned counsel appearing on behalf of the State informs that the action taken by the said appointing unit cannot be said to be in accordance with the prevailing rules of appointment i.e. the Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rules, 2012 (hereinafter referred to as 'Rules, 2012'). There is no provision in the said Rules for consolidated payment of Rs.10,000/- per month for any teachers, who were appointed. The petitioners, in the present writ petition, have not been able to bring on record their



educational qualification and have nowhere claimed that they have qualified CTET examination, which was held in accordance with the provisions of the Right to Education Act, 2009. Petitioners claim that they were appointed in the year 2015. On these grounds, learned counsel submitted that the writ petition is required to be dismissed.

5. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the appointment letters of the petitioners don't confirm the provision of the Rules, 2012 of appointment. The Rule 12 of the Rules, 2012 mandates for educational qualification, Rule 14 of the Rules, 2012 provides mandates for verification of certificates and Rule 15 of the Rules, 2012 provides for service conditions for Niyojit Teachers, which categories trained teachers and untrained teachers in basic grade. Applicable consolidated pay to the trained teachers and the untrained teachers in basic grade, as per the Rule 15 of the Rules, 2012 is as follows: Trained teachers (basic grade) -7000/- per month, Untrained teachers (basic grade) -6000/- per month, Trained teachers (Graduate grade) -8000/-per month, Untrained teachers (Graduate grade) -7500/- per month, Trained teachers (Head Master, Middle School) -14000/- per month. Thereafter, in year 2015 pay scale has been



made applicable to such teachers.

6. In such circumstances, in absence of any requisite information, in respect of the educational qualification of the petitioners, being not on record in the present writ petition nor the appointing unit has taken any action against the petitioners, which had appointed them on the consolidated salary of Rs.10,000/- per month, I find that the Additional Chief Secretary, Education Department must hold an enquiry into the matter and see that, if any, action is required against the Block Education Officer, the District Education Officer, as well as, the District Programmer Officer (Establishment), who have allowed to make the payment of Rs.10,000/- per month to the petitioners in accordance with law.

7. Accordingly, the present writ petition stands **dismissed** for the aforesaid reason.

(Purnendu Singh, J.)

Ashishsingh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	08.04.2025
Transmission Date	NA

