

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 11915 of 2017

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1. Manju Kumari, Wife of Sri Sunil Kumar resident of Village - Shivdaha Barail, P.S. - Gaighat, District - Muzaffarpur.
 2. Vijay Kumar Singh son of Sri Ram Prakash Singh resident of Village - Dhanaur, P.S. - Katra, District - Muzaffarpur.
 3. Sunil Kumar son of Late Kameshwar Rai resident of Village - Shivdaha Barail, P.S. - Gaighat, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, New Secretariat, Patna.
3. The Director (Administration), Education Department, New Secretariat, Patna.
4. The Director (Primary) Education, Education Department, New Secretariat, Patna.

... .. Respondent/s

WITH
Civil Writ Jurisdiction Case No 753 of 2018

Kamendra Kumar Kamesh Son of Gopal Sharan Singh, Resident of Village- Chhata, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Special Secretary, Department of Education, Government of Bihar, Patna.
5. The Director Administration -cum- Additional Secretary, Department of Education, Government of Bihar, Patna
6. The Director Primary Education Bihar, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 11915 of 2017)

For the Petitioner/s : Mr.Pratap Sharma

For the Respondent/s : Mr.Kameshwar Kumar -Gp17

(In Civil Writ Jurisdiction Case No. 753 of 2018)

For the Petitioner/s : Mr.Shivendra Prasad



For the Respondent/s : Mr.S.C.Mishra -Sc16

CORAM: HONOURABLE MR JUSTICE ALOK KUMAR SINHA

ORAL ORDER

12 09-12-2025

Heard learned counsel for the petitioners and the learned counsel for the respondent-State.

2 The petitioners, in the present writ applications, have prayed for a direction for merger of Subordinate Education Service (Primary Wing) in Bihar Education Service Class II in pursuance of Resolution No 3521 dated 11.04.1977 after quashing Memo No 329 dated 09.02.2015 whereby and where under, as per the petitioners, the services of similarly situated persons have been merged with the Bihar Education Service Class II but the petitioners have been denied the same without any cogent reason.

3 Learned counsel for the petitioners submits that the impugned Memo No 329 dated 09.02.2015 was also a subject matter of challenge in CWJC No 3240 of 2015 and other analogous matters and in those cases, final judgment was delivered on 18.10.2019 by a coordinate Bench of this Court. In those cases, the following direction was issued:

“38 The petitioners, who perform/performed a very important role in Society and are entitled to be treated honorably by giving appropriate pay and chances of promotion, have been dragged into this litigation, now for decades



together. In the circumstances, this Court would observe that State Government should work out the modalities for extending benefits of the State Government's Resolution dated 07.07.2006 to the petitioners expeditiously, without undue delay and preferably within three months from the date of receipt/production of a copy of this order.

39 Writ petitions stand allowed.”

4 Learned counsel for the petitioners, therefore, prays that since the issued involved in the present writ application is similar to CWJC No 3240 of 2015 and analogous matters, therefore, the present writ applications be disposed of in terms of the judgment dated 18.10.2019 passed in CWJC No 3240 of 2015 and analogous matters.

5 To the aforesaid submission made by the learned counsel for the petitioners, learned counsel for the respondent-State does not have any objection.

6 On a careful perusal of the judgment dated 18.10.2019 passed in CWJC No 3240 of 2015 and analogous matters, it is apparent that the same Memo No 329 dated 09.02.2015 was under challenge in those cases as well and the issue involved was similar to the present writ applications.

7 In such view of the matter, the present writ applications are also allowed in terms of the judgment dated 18.10.2019 passed in CWJC No 3240 of 2015 and analogous



matters and it is held and observed that since the petitioners, who have performed very important role in the society, they are entitled to be treated honourably by giving appropriate pay and chances of promotion as they have been dragged into litigation for decades together.

8 In these circumstances, this Court observes that the State Government should work out the modalities for extending benefits of its Resolution dated 07.07.2006 which is based on the Resolution dated 11.04.1977 to the petitioners expeditiously, without undue delay and preferably within three months from the date of receipt/production of a copy of this order.

(Alok Kumar Sinha, J)

M.E.H./-

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