

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11560 of 2025

1. Ramkhelawan Manjhi S/o Walesh Kumar Manjhi, Resident of village- Mundar Pur, P.O.- Bhindashpur, P.S.- Belaganj, Distt. - Gaya.
2. Manish Kumar, S/o Kishori Prasad, Resident of village- Pai Bigha, P.S. - Pai Bigha, Distt. - Gaya.
3. Arvind Kumar @ Arvind Yadav, S/o Sidheshwar Yadav, Resident of village- Bahanpur, P.S. - Belaganj, Distt. - Gaya.
4. Satish Kumar, S/o Ramanand Singh, Resident of village- Ghosibigha, P.S.- Belaganj, Distt. - Gaya.
5. Ram Bahadur Kumar, S/o Jai Narayan Yadav, Resident of village and P.O.- Ratanpura, P.S. - Ghailarh, Distt. - Madhepura.
6. Surendra Kumar, S/o Prashuram Mandal, Resident of Village- Sakrauli, Ward No. 01, P.O.- Ajijpur, Chandey, P.S.- Patepur, Distt.- Vaishali.
7. Rampulish Mandal, S/o Sonelal Mandal, Resident of village and P.O.- Ajijpur, Chandey, P.S.- Patepur, Distt. - Vaishali.
8. Dropadi Kumari, W/o Dharendra Sah, Resident of village and P.O. - Mahua Bazar, P.S.- Basnahi Sonbarsa, Distt.- Saharsa.
9. Kunadan Kumar, S/o Gajendera Pd. Yadav, Resident of village - Balitha, P.O. - Mahua Bazar, P.S.- Sonvbarsa, Distt - Saharsa.
10. Mukesh Kumar Singh, S/o Ambika Prasad Singh, Resident of village- Sahsoul, Ward no. 04, P.O.- Sahsoul, P.S. - Basnahi, Distt. - Saharsa.
11. Ramchandra Poddar, S/o Prameshwar Poddar, Resident of village- Asnahi, P.O. - Pararia, P.S. - Sonvarsa, Distt. - Saharsa.
12. Ramanand Sada, S/o Mogilal Sada, Resident of village- Kataiya, Ward No.- 02, P.O.- Sitapur, P.S. - Birpur, Distt. - Supoul.
13. Dilip Kumar Mahato @ Dilip Kumar, S/o Harichandra Mahto, Resident of village and P.O. - Rahata, Ward No.- 12, Kishanganj, P.S. - Udakishunganj, Distt. - Madhepura.
14. Pramod Kumar, S/o Anandi Prasad Yadav, Resident of village- Kumarpur, P.O. - Manjora, P.S. - Bihariganj, Distt.- Madhepura.
15. Dhruv Kumar Mandal, S/o Shankar Prasad Mandal, Resident of village- Kumarpur, P.O. - Manjora, P.S.- Bihariganj, Distt. - Madhepura.
16. Pankaj Kumar, S/o Siyaram Mahto, Resident of village- Karautii Bazar, Ward No.- 10, P.O.- Karauti Bazar, P.S.- Udakishunganj, Distt.- Madhepura.
17. Manoj Kumar Mandal, S/o Shukdeo Pd. Mandal, Resident of village- Dohatwari (Panchwati), P.O. and P.S.- Udakishunganj, Distt. - Madhepura.
18. Anil Kumar Thakur, S/o Late Lal Thakur, Resident of village- Gajipaitay, P.S. - Sonbarsa Raj, Distt. - Saharsa.
19. Bindeshwari Kumar Mandal, S/o Shiv Narayan Mandal, Resident of village- Mandal Tola, Civil Court, ward no. 14, P.S.- Bashantpur, Distt. - Supaul.
20. Subash Chandra Nishad, S/o Hari Mukhiya, Resident of village- Ninwaliya, P.O. and P.S.- Majhawaliya, Distt. - West Champaran.
21. Mantu Kumar, S/o Harendra Kumar, Resident of village- Dunwar, P.S. - Barwa Ojha, Distt. - West Champaran.
22. Anup Kumar Mishra, S/o Birendra Mishra, Resident of village- Jaysinghpur



Mishra Tola, P.O. - Shikarpur, P.S.- Balthar, Distt. - West Champaran.

23. Puran Chand Sahani, S/o Bhola Sahani, Resident of village- Batuarpa Tola, Baieatpur, P.S.- Mahauliya, Distt. - West Champaran.
24. Shyamdeo Prasad, S/o Kedar Prasad, Resident of village- Purairiya, Chauhata, P.S.- Majhauriya, Distt. - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Human Resource of Development, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dewanand Tiwari, Adv.

For the Respondent/s : Mr. Government Pleader (4)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 22-07-2025 1. The petitioners have filed the present writ application, challenging the order dated 09.11.2022, passed by the Additional Chief Secretary, Department of Education, Government of Bihar, whereby the claim of the petitioners for relaxation of age in case of appointment on the post of Panchayat Teachers has been rejected.
2. The brief facts of the case is that the petitioners were appointed as Lok Shikshak for 11 months on contractual basis in the year, 2002 at par with Panchayat Shiksha Mitra.
3. Learned Counsel for the petitioners submits that Shiksha Mitra has been absorbed as Panchayat Teacher after coming into force *Bihar Panchayat Elementary Teachers*



(Employment and Service Conditions) Rule, 2006 (hereinafter referred to as “the Rule, 2006”), but the petitioners have not been considered for absorption/ regularization.

4. A co-ordinate Bench of this Court, vide order, dated 21.03.2012, passed in C.W.J.C. No. 14493 of 2008 (filed by the similarly situated persons) disposed the writ application with liberty to the writ petitioners to file representation before the Principal Secretary, Human Resources Development Department, for consideration of their claim for absorption at par with Shiksha Mitra.

5. Pursuant thereto, the Principal Secretary, Education Department, after detailed discussion, vide memo dated 31.08.2015, decided that the Lok Shikshaks are not entitled to be absorbed as Panchayat Teacher and rejected the claim of the writ petitioners.

6. The petitioners have earlier approached this Court in CWJC No. 13677 of 2016 which was disposed off in the light of the order passed by a Co-ordinate Bench of this Court in CWJC No. 1109 of 2017 and the concerned authority was directed to examine whether the petitioners’ case stands covered by the aforesaid case then the same benefits should also be extended to the petitioners and thereafter, vide impugned order



dated 09.11.2022, the claim of the petitioners was rejected holding that it was the policy decision of the State Government to only absorb the working Panchayat Shiksha Mitra as Panchayat Teachers and secondly, regarding age relaxation in case of appointment on the post of Panchayat Teachers is concerned, the same has also been rejected on the ground that there is no such policy or rule giving age relaxation to the Lok Shikshaks in the appointment of Panchayat Teachers.

7. Learned Counsel for the State submits that Rules have been amended from time to time and now the **Bihar State School Teachers (Appointment, Transfer, Disciplinary Proceeding and Service Condition) Rules, 2023**, for appointment of Teachers have been framed and as per the 2023 Rules, the appointment of teachers shall be made on regular basis through open competitive examination held by Bihar Public Service Commission.

8. In view of the rival submissions made by the parties and the fact that the claim of the absorption of similarly situated persons in CWJC No. 1109 of 2017 was rejected and thereafter, the claim of the absorption of the petitioners of the present case in CWJC No. 13677 of 2016 was also rejected and considering the fact that now **Bihar State School Teachers**



(Appointment, Transfer, Disciplinary Proceeding and Service Condition) Rules, 2023 has come into force for appointment of teachers on regular basis, no relief can be granted to the petitioners.

9. The present writ application is accordingly, dismissed.

(Anil Kumar Sinha, J)

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