

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17351 of 2021

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Bhaskar Uberia Son of Krishana Singh Resident of Village - Uber, Police Station- Ghosi, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Jehanabad.
5. The District Education Officer, Jehanabad.
6. The District Education Officer, (Estb.) Jehanabad.
7. The Block Development Officer, Ghosi, Jehanabad.
8. The Block Education Officer, Ghoshi, Jehanabad.
9. The Principal, Government Primary School, Aliganj, Jehanabad.
10. The Principal Middle School Uber, Jehanabad.
11. The Member District Teachers Employment Appellate Authority, Jehanabad.
12. The Mukhiya Uber Gram Panchayat, Ghosi Block, Jehanabad.
13. The Mukhiya Uber Gram Panchayat, Ghosi Block, Jehanabad.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12066 of 2021

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Arvind Choudhary Son of Saukin Choudhary Resident of Village- Uber, Police Station- Ghosi, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Jehanabad.
5. The District Education Officer, Jehanabad.
6. The District Education Officer, (Estb.) Jehanabad.
7. The Block Development Officer, Ghosi, Jehanabad.
8. The Block Education Officer, Ghoshi, Jehanabad.
9. The Principal, Government Primary School, Barki Baghanpura, Jehanabad.



10. The Principal Primary School Daidih, Pokuma, Jehanabad.
11. The Member District Teacher s Employment Appellate Authority, Jehanabad.
12. The Mukhiya Kurra Gram Panchayat, Ghosi Block, Jehanabad.
13. The Panchayat Secretary Kura Gram Panchayat, Ghosi Block, Jehanabad.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 17351 of 2021)

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Respondent/s : Mr.Amit Bhushan, AC to GP 17

(In Civil Writ Jurisdiction Case No. 12066 of 2021)

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Respondent/s : Mr. Amit Bhushan, AC to GP 17

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-06-2025 Heard.

2. Petitioners who were engaged as Panchayat Shiksha Mitra after coming into force of Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rules, 2006 (hereinafter referred to as the 'Rules 2006'), were absorbed as Panchayat Teacher as per the policy decision of the State Government. It has been admitted by the respondents/District Education Officer by giving specific information in paragraph no.8 of the counter affidavit filed in CWJC No.17351 of 2021 that petitioner has worked from 01.04.2006 to 30.04.2008 and 01.05.2008 to 31.08.2008 for which the headmaster of the school, namely, M.S. Aliganj, Ghoshi, Jehanabad has given certificate on 23.12.2021. However, as per the provision of Rules 2006 and subsequently



after repeal of Rules 2006 by Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rules, 2012 (hereinafter referred to as the 'Rules 2012'), the petitioners have not been paid due salary because the petitioners have not worked due to irregular appointment. In this regard, statement has been made in paragraph no.9 of the counter affidavit.

3. It is surprising that petitioners, who were absorbed as per the policy decision of the State Government as Panchayat Block Teacher and was paid due salary till 31.08.2008 and certificate was issued on 23.12.2021 for the working period, have not been paid the due salary, in want of any information, as to whether, the petitioners have been terminated for having not fulfilled the eligibility condition laid down under Section 23 of the RTE Act 2009 and NCTE notification dated 23.08.2010 and its amendment made *vide* notification dated 29.07.2011 in the year 2011. In that view considering the fact that relaxation is itself contained in sub-Section (2) of Section 23 of RTE Act in absence of any information, as to whether, the petitioners were qualified in Teacher Eligibility Test (TET) or had obtained required diploma or BE.d degree as per the RTE Act, this Court is constrained to observe that Block Education Officer has deliberately not given such information before this Court to



deny right of the petitioners.

4. In such circumstances, the District Education Officer concerned is required to examine the case of the petitioners and take appropriate action. In case, the petitioners are entitled for any due salary as prescribed under Rules 2006 and 2012 and amendment made from time to time, the same shall be paid to him well within a period of two months from the date of communication of this order.

5. The writ petitions stand disposed of.

(Purnendu Singh, J)

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